Brooks Jackson on the campaign-cash nexus
James Ledbetter on *Time* bandits

The Washington Monthly

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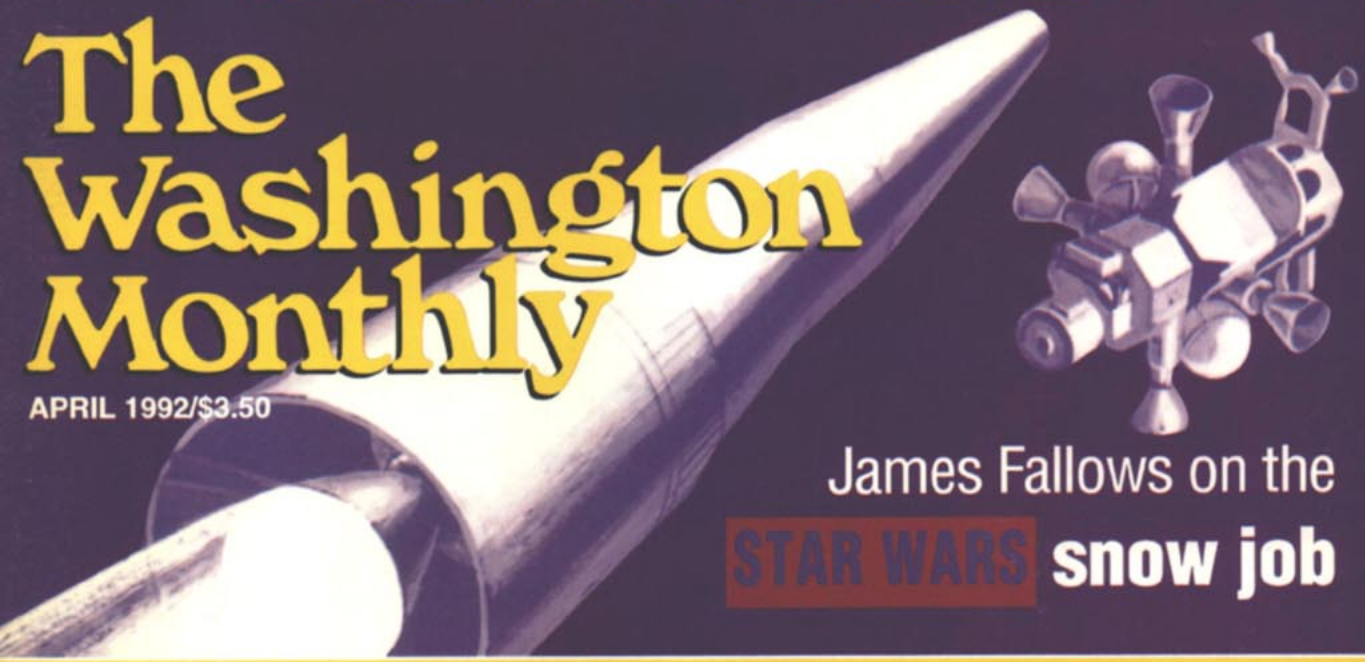

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Volume Twenty-Four, Number Four April 1992

Tilting at Windmills
by Charles Peters
Lit crit for kids . . . hospital haute couture . . . Bill Clinton's national debt . . . and other odds and ends. . . . 4

Is the President a Plagiarist?
by Christopher Georges
Campaign kleptomania. 9

WATCHING THE BENCH

Justice by Numbers
by Lois G. Forer
Mandatory sentencing drove me from the bench. 12

Black Robe
by Stephanie Mencimer
There's one group of criminals judges still go easy on: themselves. 19

The PR Papers
by Art Levine
Watching a Washington lobbyist con a would-be client. 24

Grow Up, Twentysomethings. You *Can* Go Home Again.
by Katherine Boo
Rethinking a great American assumption. 31

ON POLITICAL BOOKS:

Paradigm Glossed
by Paul Glastris
Reinventing Government's on the right track, but its prescriptions aren't always realistic. 39

Lie in the Sky
by James Fallows
How Edward Teller sold America on Star Wars. 44

Company *Time*
by James Ledbetter
It thought it was a cultural icon. But it's been a business all along. 49

Rebel Sell
by John P. Wallach
How the Palestinians won the hearts of the American media. 51

Political Booknotes
Reviews by **Brooks Jackson, John Heilemann, John Markoff, Gigi Georges,** and **Ellis Rubinstein.** 54

LETTERS 2
MEMO OF THE MONTH 23
WHO'S WHO 30
MONTHLY JOURNALISM AWARD 36
POLITICAL PUZZLE 37
TIDBITS AND OUTRAGES 38

Candidates Index

Jerry Brown	30
Pat Buchanan	11, 30
George Bush	8, 9, 10, 11, 30
Bill Clinton	4, 5, 6, 8, 9, 10, 11, 30
Paul Tsongas	4, 5, 8

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LETTERS

Savings and groans

The article in the January/February issue ["Egads! The S&L Scandal Lives," Christopher Georges] concerning regulatory supervision of thrifts by the Dallas region of the Office of Thrift Supervision (OTS) was so erroneous and misguided in its conclusions and supporting "facts" that, while tempted to ignore it, I am compelled to respond.

A central contention of Georges' article is that the Dallas office has relaxed supervision of certain institutions created by the Southwest Plan for cleaning up failed thrifts in Texas because the office was so much a part of developing the plan that it has a vested interest in ensuring the plan's success.

That theme is patently wrong. The Southwest Plan was devised in Washington by the former Federal Home Loan Bank Board and the former Federal Savings and Loan Insurance Corporation and administered by the Washington staff of those now-defunct agencies. The only assignment of the Dallas office was to expedite the resolution of institutions once a decision was made in Washington.

The reality today is that the Dallas staff closely supervises each institution under its jurisdiction, including those created by the Southwest Plan, to ensure compliance with our standards for safety and soundness. The work of the OTS Dallas region and its director, Billy C. Wood, is exemplary. Wood, with nearly 30 years' experience in bank and thrift regulation, is one of the most seasoned and highly regarded regulators in the United States.

From the beginning as director of OTS, I established tough enforcement as a top priority. All five regional offices have aggressively responded to this call to action with outstanding enthusiasm and results. If our enforcement has been criticized at all, it has been for its aggressiveness.

The number of enforcement orders in 1991 was more than triple the 1989 total—and double the 1990 figures. Through the first 11 months of 1991, the Dallas-led Midwest Region had the highest number of cease-and-desist orders entered, removals and prohibitions obtained, and civil money penalties assessed.

In addition, members of the Dallas staff have worked very closely with the U.S. Attorney's Dallas Bank Fraud Task Force in building criminal cases against those directors and officers who abused their institutions in earlier years. I am certain that if your writer had taken the time to call U.S. Attorney Marvin Collins in Fort Worth or Assistant U.S. Attorney David Jarvis in Dallas, he would have learned that OTS has consistently provided invaluable assistance to the Justice Department on criminal actions.

It is unfortunate that your publication chose to rely on the allegations of one former employee—who was dismissed because he tried to sell confidential agency information for his own profit—and anonymous other sources to denigrate the efforts of examiners and supervisory staff in the Dallas region. In fact, several examiners in Dallas have made it clear that they are offended by Georges' erroneous portrayal of their work.

The factual errors in the Georges piece are numerous. For example, his contention that examiners were told to take it easy on Southwest Plan institutions and to alter criminal referral procedures is absolutely false. Furthermore, he understated penalties levied against one institution for improper documentation of executive expenses.

Moreover, in numerous contacts with staff here in Washington and in Dallas over a period of several months, Georges did not reveal a considerable slice of the more inflammatory material that appeared in his article. His circumspect approach gave us little or no opportunity to correct obvious errors and mischaracterizations. To attempt a point-by-point refutation here, however, is impractical and probably fruitless.

I personally have the highest regard for the Dallas staff and the job it is doing. The U.S. taxpayers deserve our best efforts in supervision and enforcement, and they are getting that in Dallas and in all OTS operations across the country.

TIMOTHY RYAN
Washington, D.C.

Mr. Ryan is director of the Office of Thrift Supervision.

The author replies:

Ryan's response goes a long way toward illustrating one of the major points of the piece: that stringent banking secrecy regulations prevent a sufficiently open debate on, and reform of, the system. Ryan says that had I contacted the Dallas Bank Fraud Task Force, investigators there would have set me straight as to the OTS's effectiveness. I twice requested interviews with Task Force officials and was told both times that they were not permitted to discuss the cases in question due to banking secrecy laws. Likewise, Ryan criticizes me for not being forthcoming in my interviews with OTS spokespeople. Again, it was the OTS officials, both in Washington and Dallas, who cut me off whenever I attempted to talk specifically about serious problems at specific thrifts; they said they could not comment on these (or any other) cases due to banking secrecy laws. The same pattern held true when I contacted Assistant U.S. Attorney David Jarvis' office in Dallas.

This is not to say that more openness on their part would have explained away the allegations of abuse, which I stand by, but a more open response mechanism would at least have allowed the OTS to present its side of the story before the piece ran, as well as explain what it's doing to rectify problems that exist.

And now to Ryan's two central criticisms. First, he asserts that the Southwest Plan was created in Washington and not Dallas and therefore the Dallas office was free of any self-protective impulse to ensure the plan's success. While the creation of the plan may indeed have been run out of Washington, Ryan fails to point out that OTS offi-

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cials in Texas were relied upon for input as to how the plan should be carried out. (Indeed, it would have been irresponsible if Washington unilaterally worked out the details of the plan.) Second, Ryan points out that the Dallas office is among the most efficient of OTS's bureaus in issuing penalties and fines. There is no quarrel here; in fact some of the figures he cites were included in the piece. But again, he provides no response to the larger point: While Dallas may be aggressively pursuing more small thrifts, it is letting the large ones (which should be watched most closely) slide by with lax oversight.

It is curious that in his detailed letter, Ryan fails to respond to one of the piece's serious allegations: that several current and former OTS employees who have attempted to reveal problems within the agency have been vigorously pursued and punished by the OTS.

Vilification and its discontents

E. Fuller Torrey's article ["Oedipal Wrecks," January/February] on the consequences of Freud's reductionist determinist theory was marred by the use of Jerry Rubin, the Yippie turned yuppie, as the example of a social activist whose "analysis of unconscious motives for wanting to improve the world has frequently transformed zeal into pabulum."

Wasn't Torrey aware that Jerry Rubin in his Yippie heyday advocated drug use, sex in the park, and parricide? And if other "socially conscious potential reformers" are scofflaws, outlaws, or politically correct commissars, then pabulum is preferred to zeal, isn't it?

BERNARD ADELMAN
Winthrop, Massachusetts

Caste-away

I particularly enjoyed Nicholas Lemann's "Ruling by Degree" [January/February], his review of E. Digby Baltzell's *The Protestant Establishment Revisited.*

I thought he was particularly insightful on the following points: the meritocratic mind's fear of risk; the recognition that, just as Jews were wary of the inherent cultural biases intrinsic in any "character and moral standards test," many blacks, latinos, and others see the academic performance and aptitude tests as rigged in favor of those who currently hold power; and his passing comment on the German Jewish establishment's gentility compared to many groups of East European Jews earlier in this century.

I only disagree on what is perhaps a matter of semantics. Certainly, his meritocratic upper class is, at best, an upper *middle* class. The reason they are certainly not an upper class is, as Lemann says, "they have very little spare time or money." The stress-filled, two-career aspect to these young couples' lives, the lack of time and money—all point to a meritocratic upper middle class.

So where are the young upper classes? It's true, as Lemann indicates, that they're not spending so much time at prestigious social clubs or debutante balls, but these people have not disappeared. They may be traveling between any one of their half-dozen houses in as many different countries or they may be teaching elementary school in New York City or skiing full time in Colorado or playing in rock bands in Los Angeles or living in cabins in Vermont's Northeast Kingdom—but they're there. There are even some who are doctors and lawyers (although most don't seem to bother—why work so hard when you've already made it?), but one thing the majority of these upper-class young people are *not* doing is feeling a lot of stress because they don't have enough time or money.

Social class in America is defined by no one thing, but rather a host of indicators. If, however, one single concept had to be used, leisure time—how much they have and how they spend it—is the surest sign.

DANIEL N. THOMPSON
New York, New York

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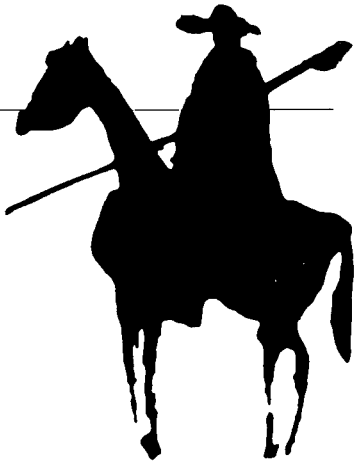
TILTING AT WINDMILLS



Washington is full of businesses, especially law and public relations firms, that make sure they have someone working for every presidential candidate who has a chance of someday being in a position to do something for them. Now the practice has even spread to families. A few nights ago, I ran into the 23-year-old son of an old friend. I asked him what he was doing. "Working for Clinton." By the way, I inquired, where's your dad? "Oh, he's at a Tsongas rally." . . .

If there is anyone on whom Bill Clinton would like to put out a contract—maybe Gennifer Flowers knows a Sam Giancana—it's probably Paul Greenberg, the editorial page editor of the Pine Bluff, Arkansas, *Commercial*, who keeps dredging up examples of the governor's used-car salesman tendencies. The latest revelation is that Clinton has been misrepresenting his position on the Gulf war by saying he supported it and criticizing Bob Kerrey for opposing it. Along comes the pesky Greenberg with an Associated Press clip dated January 14, 1991, after Congress had authorized war and two days before we attacked, in which Clinton says, "I would agree with the arguments of the people in the minority on the resolution that we should give sanctions more time and maybe even explore a full embargo . . . before we go to war."

I think Clinton was right then, just as I think he was right to oppose the war in Vietnam. But again he has been less than candid about his record. What is so sad about all this is that I think Clinton has more raw ability than any of the other candidates, Democratic or Republican. He could be a great president. What I hope he will do is contemplate the lives of Lyndon Johnson and Richard Nixon, two other men of reasonable talent who will not be remembered as great presidents for one reason—they lied too much. . . .

Other "professions" have followed the lead of lawyers and doctors in requiring that their members participate in continuing education programs. Among such groups is the Funeral Directors Association of West Virginia. Like the lawyers and the doctors, these undertakers have a keen sense of the kind of setting that is most conducive to advanced study. Their last meeting was at the Greenbrier. The subject of the tax-deductible course: How to sell more expensive caskets. . . .

From the It's-Never-Too-Early-to-Get-Status-Anxiety Department: The headline over an advertisement for the Children's Book-of-the-Month Club is "What Are Tomorrow's Winners Reading Today?" . . .

The problem with Clinton's draft history is not the letter he wrote—although the bit about maintaining his "political viability" did reek of the lifetime

Eleanor & Owen Lattimore. Acme Photo.

Owen Lattimore and the "Loss" of China

by Robert P. Newman

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president-of-the-student-council mentality that is depressingly characteristic of so many of our leaders. What troubles me is that he didn't choose an alternative form of service, as Paul Tsongas did with the Peace Corps. This failure was to prove common among the educated and affluent elite of Clinton's generation and those that followed. Except for a handful who joined the Peace Corps or similar organizations, they left the serving to the lower middle class and working poor, the two groups that have supplied almost all of the military's enlistees for the past two decades. So few joined the Peace Corps that it shrank to 4,000 or 5,000 members during the seventies and eighties.

Interestingly enough, the zenith of the Peace Corps came in the mid-sixties, when it attracted 16,000 volunteers. This period marked the end of an era that had begun in 1940 during which Americans of all classes felt an obligation to serve. For most of this time, a democratic draft was in effect and it could not be evaded no matter how rich you were. Elvis Presley served. So did John Kennedy and his three brothers.

The war in Vietnam gave the Bill Clintons a legitimate excuse not to serve in the military. But that excuse began a tradition of non-service that has lasted for 25 years; most of the people who will hold power in America in the next two decades came of age in this period. This means they will forgive Clinton as they forgave Dan Quayle. What I fear most is that they will also forgive themselves. These people still owe a debt to their country. They should be thinking about how they will pay it instead of trying, as I think most of them are, to avoid acknowledging it to the world and even to themselves. . . .

I should note that Clinton has at least not been paralyzed, as most of his peers have been, into letting his failure to serve keep him from asking others to do so. His platform includes a national service program, which I admire. But I don't admire the fact that it offers a reward—a free college education—to those who serve. I believe higher education should be available to everyone on a long-term loan basis, payable as an addition to income tax. I also believe service should be performed because it is the right thing to do, not because it is rewarded with a bribe. . . .

The *Charleston Gazette* reports that West Virginia University administrators are continuing to make more money despite higher education's growing budget problems. The 19 top administrators, who made $1.18 million in 1986, will get $1.5 million this year.

This phenomenon is not confined to West Virginia. In California, the compensation received by the president of the University of California at San Diego has been raised to $307,900. The president of the United States, you may recall, is paid $200,000. Student fees at UCSD were, by the way, raised 40 percent this year. . . .

Of course, the scandal that makes outrages like these and the $400,000-plus salary given the recently resigned head of the United Way possible is the shamefully excessive salaries of American corporate executives. In this connection, have you heard about the spineless behavior of *Financial World* magazine? It fired Graef S. Crystal, the writer who had done the most to expose the CEO pay scam, because corporate big shots didn't like

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having the public find out what they were up to. . . .

The transitional moment may have been the afternoon of November 22, 1963, when Tom Wicker of *The New York Times* and Douglas Kiker of the *New York Herald-Tribune* used a television set at the Dallas airport as the source of the stories they were writing about the Kennedy assassination. From that day on, print reporters have been relying heavily on television for the information they put into their stories. This has been especially true of election night coverage, which seems to go from tube to type almost automatically.

But now I can report that *The Washington Post* is not a part of this trend. While CNN was telling us that Paul Tsongas won a primary in Utah on March 4, the *Post* declared he had won a caucus. This was asserted in the lead front-page story by Thomas B. Edsall and Dan Balz. It was stated again in a story by the paper's most prominent political correspondent, David Broder, that appeared on the first page of a special Campaign '92 section. There was one little problem. The *Post* got it wrong. It was a primary, not a caucus. It does seem a bit odd that this fact was unknown to either the *Post*'s high-powered political correspondents or to its vast assortment of highly paid editors. Every definition of caucus I have seen involves the word "meeting" or "conference." There were no conferences or meetings in Utah. Individual voters went one by one to polling places and voted during the day. One has to suspect that no one from the *Post* bothered to go see what was going on or even talk on the phone to those who were there. . . .

An idea—in addition to its health care system—that we should borrow from Canada is the way it decides which civil servants to dismiss in a bureaucratic downsizing. Canadian rules permit the retention of young workers with special skills; ours blindly protect older workers without regard to their ability and performance. . . .

The Clintons may symbolize the final triumph of the meritocratic class that Nicholas Lemann described in our January-February issue. One problem with this class is that some of its most prized merit badges are morally dubious. Working for a high-powered law firm is one such badge. What it does to the soul is illustrated by something Hillary Clinton said to a reporter last month: "For goodness sake," she exclaimed, "you can't be a lawyer if you don't represent banks." Does she really think that the only alternative to the big law firm is "baking cookies"?

Actually, there is a vast amount of legal work—not to mention other career possibilities outside the law—that she could have pursued without having to represent a bank or sell her soul to rich clients or—and this is crucial—without having to lend her name to a firm that uses it to solicit business on the basis of the influence it implies.

Over the years, I have heard many wonderful things about Hillary Clinton from mutual friends. Not one word of what they said would suggest that she is stupid enough not to understand the subtle ways in which classy lawyers let a potential client know that they know the right people.

I once practiced law in a state capital and I can assure you that the big law firms made sure that their roster of partners always included enough lawyers who were connected—and that potential clients knew they were connected. . . .

Washington's mayor, Sharon Pratt Kelly, tells how, when she was growing up as part of the city's black middle class, it was assumed that everyone would go to work for the government. Her grandmother, she says, was always asking, "What's your GS rating?" and was not impressed at all by Kelly's job with a local business.

This is an example of a problem in black culture that exists throughout the country and is especially severe in Washington. For many years the civil service was one of the few respectable careers open to blacks. The only other prestigious jobs were preaching in black churches and teaching at black colleges, which, like similar positions in white institutions, were not usually notable for exhausting work schedules. These jobs often promised large amounts of time for schmoozing and a low premium on productivity and the bottom line.

Obviously, this does not mean that blacks are genetically indifferent to performance. In the few areas where opportunity has been wide open for a long time, e.g., sports and the performing arts, they have shown they can deliver. But it does mean that blacks are not likely to quickly adjust to life in the business world. Whites would have similar problems if their main work experience had been in bureaucracies. The work-to-the-rule spirit common in bureaucratic culture invites scorn from people who are struggling to lift a private enterprise out of the red. Black workers see this scorn as racial prejudice, which isn't always the case (although it is part of the time, which complicates matters immeasurably).

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What we need are more black leaders like Kelly who have worked in the private sector, who understand the problem, and who are able to talk to their fellow blacks about it without the complicating tinge of prejudice that can discredit similar efforts by whites.

Before you start composing an indignant letter to the editor, let me hasten to add that I realize that there are some dedicated bureaucrats, black and white, just as there are some dedicated lawyers. My point is that just as the culture of the legal profession does not encourage devotion to high principle, the culture of bureaucracy does not encourage devotion to hard work. . . .

Senator David Boren recently made a point about the culture of Congress that is worth pondering. It was that, because negotiations on the Hill are increasingly handled by staff members rather than by senators and congressmen themselves, the positions taken tend to be more rigid than would be the case if the principals were involved. I agree. The senators and representatives, after all, got where they are because they are skillful politicians adept at reaching accommodations with those whose votes they need, whether to get elected or get a bill passed. The staff member, on the other hand, is worried about not exceeding his authority and being sure to protect his boss' interest, and is seldom as intimately aware of where the "give" room is as the member himself. There is, however, one important corollary to Boren's point: Since the staff member usually has a more detailed knowledge of the issue being negotiated, he should be at the legislator's side during the negotiations. . . .

Speaking of work-to-the-rule, I had to laugh when the District of Columbia's teachers' union announced that its members could start that practice and continue until agreement on a new contract had been reached. It has seemed to me and a lot of other District parents that most of the local teachers have been working to the rule for years. When my wife and I reached the painful decision to withdraw our son from the District's public schools in 1975—a decision that was difficult because we believed in public education and because we were going to have a hard time paying for the alternative—one influential factor was that the teachers' parking lot at our son's school was empty by 3:30 almost every afternoon. Another problem was that many of the teachers were either marginal or just plain bad. Yet a recent review of teacher evaluations from 1988 to 1991 found that less than one half of 1 percent of D.C. teachers received conditional or unsatisfactory

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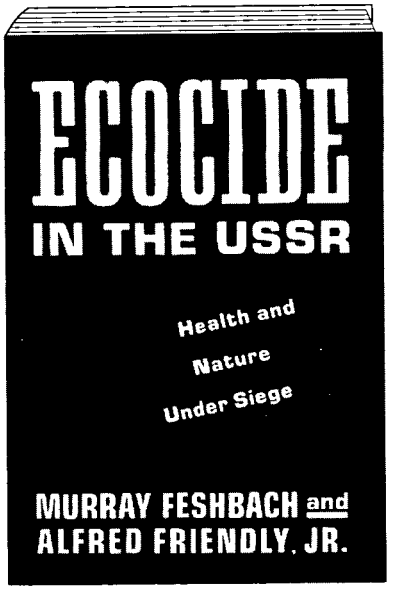

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ratings during that period. Nationally, 5 to 20 percent of teachers get such ratings. . . .

A new medical instrument called an endoscope allows physicians to peer into a patient's stomach and intestines and perform surgery without having to hospitalize him. This should save money, shouldn't it? Well, not exactly. According to Michael Abramowitz, writing for *The Washington Post*'s excellent "Health" section, as a result of the new procedure gastroenterology has become the fastest growing medical specialty. Medicare payments to gastroenterologists are growing at a rate of 22 percent annually. Two thirds of the payments are for endoscopies.

Some of the operations are clearly needed. But how many? Unfortunately, there is no answer because, unlike the review to which prescription drugs are subjected before they are put on the market, there is no formal review of new technologies and procedures before they are used regularly in doctors' offices. . . .

As we approach the fall presidential debates, and even in the remaining primary debates, I hope more emphasis will be given to the Lincoln-Douglas format in which the contestants question one another and have time to rebut the answers. This would tell us much more than debates in which the questioning is done by reporters, who are often tempted to do a little posturing for the sake of their own careers, and whose questions only tell us what the reporters think is important when what we really need to know is what the candidates think is important. Peter Jennings tried to use this approach in the March 5 candidates' debate in Houston. Guess who opposed it? The candidates themselves, some of whom threatened to walk out unless Jennings agreed to do at least some questioning. . . .

In connection with Joseph Blatchford's memo soliciting lobbying business on page 24 of this issue, those of you who have computer access to magazine articles will want to call up Steven Waldman's "The Real Price of Buying Influence" from the January 13 issue of *Newsweek*. Written by an alumnus of this magazine, it is the most sophisticated explanation I have seen of the various hustles lobbyists employ to win, keep, and bilk their clients. My favorite: "The Sky Is Falling: Panicking the Client."

The idea is to frighten the client into thinking something terrible is going to be done by crazy congressmen or pointy-headed bureaucrats that will pose a grave threat to the client's company or his entire industry. The example Waldman cites is that a few years ago a lobbying firm convinced businessmen that legislation they feared on indoor pollution was near passage. In fact the bill was virtually dead. . . .

Have you noticed that neoliberalism has emerged as the majority doctrine of the Democratic Party? The candidates who previously came closest to being neoliberals, Gary Hart and Bruce Babbitt, failed to win a majority in any primary. But the combined Tsongas-Clinton vote has usually constituted more than 50 percent of the total ballot count in the 1992 primaries.

I am delighted that they agree on so many causes close to my heart. But I am, as I suspect many others are, disturbed by their failure to acknowledge the similarity of their visions. Encouraging investment is one example. Neither favors the capital gains taxes advocated by Bush. Tsongas seeks cuts that will favor long-term investment, while Clinton wants to emphasize encouragement of new investment. Both are right, and we would all be better off if they each acknowledged the other guy's good ideas. . . .

Speaking of neoliberalism, my main complaint about Tsongas is that he makes too much of the neo and too little of his liberalism. Although I suspect he is a liberal at heart, he has had little to say about the abuse of the lower middle class and the poor by the Reagan-Bush administrations. One has to suspect that in reaching out to the Republicans he has chosen to hide his heart. . . .

Why do hospitals insist on clothing you in those mortifying gowns with the peekaboo opening in the back? The answer, for which I'm indebted to *The Washington Post*'s Joel Achenbach, is because the flimsy gowns cost the hospital less than those that would cover your backside. The former are called "Center Back," the latter, "Overlapping Back." Before I have to go to the hospital again, I hope there's some crusader out there who will found a Society for the Promotion of the Overlapping Hospital Gown. I promise to serve as a press agent gratis. . . .

I can't believe the vulgar stupidity of those in Congress who are fighting appropriations for U.N. peacekeeping forces. There are and have been many silly aspects to the U.N., but its record as an international police force is mostly good and holds out hope for world sanity that we must not permit the Helmses to dash. . . .

—*Charles Peters*

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Is the President a Plagiarist?

Campaign kleptomania

by Christopher Georges

A rhetoric quiz: Correctly attribute each of the following quotes to a national political figure. (Hint: George Bush is part of every answer.)

1. A. "We'll . . . make the label 'Made in America' the symbol of quality and durability all over the world." [September 1988]

   B. "A better America where 'Made in the U.S.A.' is recognized around the world as a symbol of quality and progress." [January 1990]

2. A. "The best America . . . where there are good jobs and good wages for all our people." [September 1988]

   B. "A better America, where there's a job for everyone who wants one." [January 1990]

3. A. "I call upon the leaders in Washington to launch a comprehensive growth initiative." [October 1991]

   B. "We're setting up a very important comprehensive growth initiative and getting it up to Congress." [December 1991]

Answer key: The A quotes were by: 1. Michael Dukakis 2. Dukakis 3. Mario Cuomo. The B quotes were by George Bush.

George Bush a plagiarist? Not exactly. Rather, Bush's habit of ripping off lines used by his Democratic opponents (or at least appearing to do so) points us toward something slightly more insidious: His "new" domestic agenda—from his plan to tamper with IRAs all the way to his notion of a "comprehensive growth agenda"—is, more than anything else, a hodgepodge of ideas pushed by top-tier Democrats like Al Gore, Mario Cuomo, and Bill Clinton.

Christopher Georges is an editor of The Washington Monthly.

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Sure, Bush has been knocked ad nauseam for a lack of vision, but an item by item examination of his recent plan suggests Bush isn't blind—or dumb. A large chunk of his "new" agenda was shaped simply by scouting his political competitors and then absorbing in some form what they had to say—a co-option that makes a lot of political (if not ideological) sense. If you want to predict what the president will say next week, just listen to the guy who's moving up in the polls this week.

Plank robber

Preposterous? Let's take a closer look at the genesis of the new agenda, as articulated in January's State of the Union address. The aegis of Bush's hastily assembled strategy is a holistic growth plan that includes disparate reforms in areas from investment tax credits to education. Bush had long been loath to consider any such plan. As far back as the 1988 campaign, he unflinchingly trumpeted a "silver bullet" agenda instead: a cut in the capital gains tax combined with a few minor reforms such as incentives for savings and encouragement of enterprise zones. As late as November 17, 1991, Dan Quayle, appearing on ABC News' "This Week With David Brinkley," said: "There is a silver bullet out there that could help this economy and it's . . . the capital gains tax cut." And that was the entire plan.

But over on the Democratic side, a comprehensive (or holistic) growth agenda had become then-formidable-looking challenger Mario Cuomo's most resonant theme. He first proposed the idea in December 1990, but starting with an October 25, 1991 press release, and followed by a series of public statements and a November 24 speech (about the time the Cuomo-for-president clamor was at its shrillest), Cuomo put his agenda for a net investment tax credit combined with reforms in areas such as education and taxes at the center of his economic message. This was no silver bullet. It was, as Cuomo labeled it, a "comprehensive growth agenda."

Perhaps it was coincidence, but 10 days later, Bush and his top deputies suddenly, eerily, unveiled a new approach to our domestic ills—a "comprehensive growth agenda." Between December 4 and 6, Bush, Richard Darman, Nicholas Brady, and Michael Boskin used the phrase in public appearances no less than 14 times. Even though they had yet to develop the details of the plan, they were calling for it just the same. Could it be that they were ignorant of the new Democratic push in this area? Let's ask Darman.

In congressional testimony on December 5 (just 18 days after Quayle told Brinkley that all we need is the "silver bullet" capital gains tax cut), Darman said: "There is much talk about the need for . . . the proverbial 'silver bullet.' . . . [But] what is needed is a comprehensive approach to growth. This is perhaps what one much-mentioned Democrat may have meant by 'holistic.' "

Shtick shift

By the end of December, however, Cuomo had removed himself from the race and the comprehensive growth shtick no longer seemed so pressing. More importantly, Bill Clinton was steadily ascending in the polls. Clinton's signal theme, from his announcement speech to his town hall meet-and-greets, was a call for "responsibility" on the part of both government and citizenry. He wasn't subtle about it either. "[I] ask every American to assume personal responsibility for the future," Clinton intoned in his October 3 announcement speech. "It is our generation's responsibility to form a New Covenant—more responsibility from everyone." Ever since, Clinton has been heard on the campaign trail speaking the message of welfare reform, insisting that "those on welfare move into the workplace."

Bush has pushed many themes during his tenure as president, but never has the notion of responsibility been elevated to, say, the level of a State of the Union address—that is, until this year. Near the conclusion of his speech, Bush called on the American people, and especially those receiving government assistance, to show a greater sense of—you guessed it. He said, "Able-bodied people have . . . a responsibility to the taxpayer . . . a responsibility to hold families together . . . a responsibility to obey the law." Just to be certain that the theme wouldn't get lost in the mix, he repeated the word five times in a single paragraph.

Coincidence? A quick look at the rest of Bush's new agenda shows the same suspicious pattern:

➤*An increased investment tax allowance plan that would reduce the tax burden on companies that invest in new machinery and equipment.* For three years, Bush ignored the idea while Cuomo (most notably) and other Democratic leaders (George Mitchell and most recently Paul Tsongas) lobbied to bring it back. Only when Cuomo's name began once again to creep up in the polls did Bush finally awaken to its merits.

➤*A plan that would require all businesses to halt production of ozone-damaging chlorofluorocarbons (CFCs) by December 31, 1995.* Bush seemingly never gave this idea—long a favorite of dark-horse presidential threat Al Gore—a thought until just over a month ago, when he proposed it with great fanfare.

➤*A plan to make all Americans eligible for the fully*

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deductible $2,000 IRA. This one's been a pet project of oft-mentioned presidential contender Lloyd Bentsen. But again, Bush never gave it so much as a nod until people started talking about drafting Bentsen.

- *Unemployment relief legislation.* This needs little explanation in an election year.

And there are other borrowed issues, like plans to fully fund Head Start and make student loans more affordable (the ancient domain of the Democrats); the sudden emergence of an increased child-care exemption as a major presidential issue (even though Bush's plan unfairly favors the wealthy at the expense of the poor), but only after Democratic leaders made it clear that a middle-class tax cut would be a major issue; and a plan to allow penalty-free withdrawals from IRAs for first-time homebuyers that was originally proposed four years ago, and called Home Start, by candidate Dukakis. As for the remainder of the President's domestic cures, most are either retreads of ideas he has pushed for years like America 2000, the HOPE homeownership plan, and his crime bill, or temporary adjustments, such as the 90-day moratorium on new regulations.

The revision thing

Stealing from the enemy is nothing new for Bush. Four years ago, candidate Bush declared a "war of ideology" at the Republican National Convention. "The stakes are high this year," he said, "for the differences between candidates are as wide as they have ever been in our long history." But let's look at the record. Since becoming president, Bush has adopted, almost verbatim, several planks from the 1988 Democratic platform—and not just any planks, but those that he roundly mocked as a candidate.

For instance, Bush won points in 1988 for ridiculing Dukakis' plan—ill-conceived as it may have been—to hire more tax auditors to reap billions in uncollected revenue. "This idea of unleashing a . . . conventional army of IRS agents into everyone's kitchen . . . I'm against that," he said. At least he was until 1991, when he quietly unveiled a similar $200 million program to hire more than 1,000 additional auditors. On gun control, Bush in 1988 effectively portrayed the Democrats' plan, which featured restraints on the import of semiautomatic weapons, as a program to ban all firearms. *His* position on a semiautomatic weapons ban: "I'm not about to do that. . . . That's my position, and I'm not going to change it." That is until, as president, he supported a ban on the import of five types of semiautomatic assault weapons and 24 other types of guns.

On the environment, the Democrats proposed elevating the EPA to cabinet level, and again Bush opposed it only until he became president. Other stones in his ideological wall, from his support for offshore oil drilling to his fierce opposition to racial quotas, have tumbled just as easily.

To be sure, Bush in 1992 is far from a closet Democrat: We need only remember his paltry attempt at health insurance reform and his undying allegiance to the capital gains tax cut. And besides, good politicians should have enough modesty to embrace good ideas, no matter what their party pedigree.

But in Bush's case, one can't help thinking that his policy is driven less by a sense of nonpartisan commitment to the national interest than by a desperate urge to hamstring his competition. And the dismal news is that the strategy works. Even if Bush doesn't mean what he utters, his political prevent defense—a themeless mix of proposals—succeeds in taking many of the defining issues, such as extended unemployment benefits, out of the realm of partisan politics, and in the process defuses the challenge from the left. And more recently, as the threat from the right (a.k.a. Pat Buchanan) has come unleashed, he's suddenly taken its themes to heart: Witness his tax apology, his new look at housing policy (a reaction to the latent threat from Jack Kemp), and the ouster of National Endowment for the Arts Chairman John Frohnmayer.

Planned larceny

Still, the most discouraging thing about Bush's campaign kleptomania is that no one on the other side seems to notice that the family treasures are gone. Democrats, Republicans, and pundits alike are still tripping over each other to declare that Bush has drawn deep battle lines between himself and the left. "A Declaration of Political War on the Democrats," trumpeted a January 29 *Washington Post* front-page headline over an analysis of Bush's policy agenda. "It was a speech that reiterated the errors of the past," said candidate Clinton just minutes after Bush unveiled his plan in the State of Union.

Ironically, the only one calling the president on his policy pilfering is Buchanan, who says he's challenging Bush because the president "has abandoned the principles of his party." But Bush has abandoned more than that; he's jettisoned any sort of disciplined approach to a domestic policy. Petty thievery of minor ideas does not a vision make, and that is one issue the Democrats would do well to take advantage of, for two reasons. One, because it's true. And two, because it's one plank George Bush won't want to steal. □

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Justice by Numbers

Mandatory sentencing drove me from the bench

by Lois G. Forer

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A judge can deviate from the prescribed sentence if he or she writes an opinion explaining the reasons for the deviation. While this sounds reasonable in theory, "downwardly departing" from the guidelines is extremely difficult. The mitigating circumstances that influence most judges are not included in the limited list of factors on which "presumptive" sentence is based—that an offender is a caretaker of small children; that the offender is mentally retarded; or that the offender, like Michael, is emotionally distraught.

So I decided to deviate from the guidelines, sentencing Michael to 11-and-a-half months in the county jail and permitting him to work outside the prison during the day to support his family. I also imposed a sentence of two years' probation following his imprisonment conditioned upon repayment of the $50. My rationale for the lesser penalty, outlined in my lengthy opinion, was that this was a first offense, no one was harmed, Michael acted under the pressures of unemployment and need, and he seemed truly contrite. He had never committed a violent act and posed no danger to the public. A sentence of close to a year seemed adequate to convince Michael of the seriousness of his crime. Nevertheless, the prosecutor appealed.

Michael returned to his family, obtained steady employment, and repaid the victims of his crime. I thought no more about Michael until 1986, when the state supreme court upheld the appeal and ordered me to resentence him to a minimum of five years in the state penitentiary. By this time Michael had successfully completed his term of imprisonment and probation, including payment of restitution. I checked Michael's record. He had not been rearrested.

I was faced with a legal and moral dilemma. As a judge I had sworn to uphold the law, and

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I could find no legal grounds for violating an order of the supreme court. Yet five years' imprisonment was grossly disproportionate to the offense. The usual grounds for imprisonment are retribution, deterrence, and rehabilitation. Michael had paid his retribution by a short term of imprisonment and by making restitution to the victims. He had been effectively deterred from committing future crimes. And by any measurable standard he had been rehabilitated. There was no social or criminological justification for sending him back to prison. Given the choice between defying a court order or my conscience, I decided to leave the bench where I had sat for 16 years.

That didn't help Michael, of course; he was resentenced by another judge to serve the balance of the five years: four years and 15 days. Faced with this prospect, he disappeared. A bench warrant was issued, but given the hundreds of fugitives—including dangerous ones—loose in Philadelphia, I doubt that anyone is seriously looking for him.

But any day he may be stopped for a routine traffic violation; he may apply for a job or a license; he may even be the victim of a crime—and if so, the ubiquitous computer will be alerted and he will be returned to prison to serve the balance of his sentence, plus additional time for being a fugitive. It is not a happy prospect for him and his family—nor for America, which is saddled with a punishment system that operates like a computer—crime in, points tallied, sentence out—utterly disregarding the differences among the human beings involved.

The mandatory sentencing laws and guidelines that exist today in every state were designed to smooth out the inequities in the American judiciary, and were couched in terms of fairness to criminals—they would stop the racist judge from sentencing black robbers to be hanged, or the crusading judge from imprisoning pot smokers for life. Guidelines make sense, for that very reason. But they have had an ugly and unintended result—an increase in the number of American prisoners and an increase in the length of the sentences they serve. Meanwhile, the laws have effectively neutralized judges who prefer sentencing the nonviolent to alternative programs or attempt to keep mothers with young children out of jail.

Have the laws made justice fairer—the central objective of the law? I say no, and a recent report by the Federal Sentencing Commission concurs. It found that, even under mandatory sentencing laws, black males served 83.4 months to white males' 53.7 months for the same offenses. (Prosecutors are more likely to demand imposition of the mandatory laws for blacks than for whites.)

Most important, however, as mandatory sentencing packs our prisons and busts our budgets, it doesn't prevent crime very effectively. For certain kinds of criminals, alternative sentencing is the most effective type of punishment. That, by the way, is a cold, hard statistic—rather like Michael will be when they find him.

Sentenced to death

In the past two decades, all 50 state legislatures have enacted mandatory sentencing laws, sentencing guideline statutes, or both. The result: In 1975 there were 263,291 inmates in federal and state prisons. Today there are over 600,000—more than in any other nation—the bill for which comes to $20.3 billion a year. Yet incarceration has not reduced the crime rate or made our streets and communities safer. The number of known crimes committed in the U.S. has increased 10 percent in the last five years.

How did we get into this no-win situation? Like most legislative reforms, it started with good intentions. In 1970, after the turmoil of the sixties, legislators were bombarded with pleas for "law and order." A young, eager, newly appointed federal judge, Marvin Frankel, had an idea.

Before his appointment, Frankel had experienced little personal contact with the criminal justice system. Yet his slim book, *Fair and Certain Punishment*, offered a system of guidelines to determine the length of various sentences. Each crime was given a certain number of points. The offender was also given a number of points depending upon his or her prior record, use of a weapon, and a few other variables. The judge merely needed to add up the points to calculate the length of imprisonment.

The book was widely read and lauded for two main reasons. First, it got tough on criminals and made justice "certain." A potential offender would know in advance the penalty he would face and thus be deterred. (Of course, a large proportion of street crimes are not premeditated, but that fact was ignored.) And second, it got tough on the "bleeding heart" judges. All offenders similarly situated would be treated the same.

The plan sounded so fair and politically promising that many states rushed to implement it in the seventies. In Pennsylvania, members of the legislature admonished judges not to oppose the guidelines because the alternative would be even worse: mandatory sentences. In fact, within a few years almost every jurisdiction had both sentencing guidelines and mandatory sentencing laws. Since then, Congress has enacted some 60 mandatory sentencing laws on the federal level.

As for unfairnesses in sentencing—for instance, the fact that the robber with his finger in his jacket

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gets the same sentence as the guy with a semiautomatic—these could have been rectified by giving appellate courts jurisdiction to review sentences, as is the law in Canada. This was not done on either the state or federal level. Thus what influential criminologist James Q. Wilson had argued during the height of the battle had become the law of the land: The legal system should "most definitely stop pretending that the judges know any better than the rest of us how to provide 'individualized justice.' "

Hardening time

I'm not sure I knew better than the rest of you, but I knew a few things about Michael and the correctional system I would be throwing him into. At the time of Michael's sentencing, both the city of Philadelphia and the commonwealth of Pennsylvania were, like many cities and states, in such poor fiscal shape that they did not have money for schools and health care, let alone new prisons, and the ones they did have were overflowing. The city was under a federal order to reduce the prison population; untried persons accused of dangerous crimes were being released, as were offenders who had not completed their sentences.

As for Michael, his problems and those of his family were very real to me. Unlike appellate judges who never see the individuals whose lives and property they dispose of, a trial judge sees living men and women. I had seen Michael and his wife and daughter. I had heard him express remorse. I had favorable reports about him from the prison and his parole officer. Moreover, Michael, like many offenders who appeared before me, had written to me several times. I felt I knew him.

Of course, I could have been wrong. As Wilson says, judges are not infallible—and most of them know that. But they have heard the evidence, seen the offender, and been furnished with presentence reports and psychiatric evaluations. They are in a better position to evaluate the individual and devise an appropriate sentence than anyone else in the criminal justice system.

Yet under mandatory sentencing laws, the complexities of each crime and criminal are ignored. And seldom do we ask what was once a legitimate question in criminal justice: What are the benefits of incarceration? The offenders are off the streets for the period of the sentence, but once released, most will soon be rearrested. (Many crimes are committed in prison, including murder, rape, robbery, and drug dealing.) They have not been "incapacitated," another of the theoretical justifications for imprisonment. More likely, they have simply been hardened.

Sentence structure

Is there another way to sentence criminals without endangering the public? I believe there is. During my tenure on the bench, I treated imprisonment as the penalty of last resort, not the penalty of choice. And my examination of 16 years' worth of cases suggests my inclination was well founded. While a recent Justice Department study found that two thirds of all prisoners are arrested for other offenses within three years of release, more than two thirds of the 1,000-plus offenders I sentenced to probation conditioned upon payment of reparations to victims successfully completed their sentences and were not rearrested. I am not a statistician, so I had my records analyzed and verified by Elmer Weitekamp, then a doctoral candidate in criminology at the Wharton School of the University of Pennsylvania. He confirmed my findings.

The offenders who appeared before me were mostly poor people, poor enough to qualify for representation by a public defender. I did not see any Ivan Boeskys or Leona Helmsleys, and although there was a powerful mafia in Philadelphia, I did not see any dons, either. Approximately three fourths of these defendants were nonwhite. Almost 80 percent were high school dropouts. Many were functionally illiterate. Almost a third had some history of mental problems, were retarded, or had been in special schools. One dreary day my court reporter said plaintively, "Judge, why can't we get a better class of criminal?"

Not all of these offenders were sentenced to probation, obviously. But I had my own criteria or guidelines—very different from those established by most states and the federal government—for deciding on a punishment. My primary concern was public safety. The most important question I asked myself was whether the offender could be deterred from committing other crimes. No one can predict with certainty who will or will not commit a crime, but there are indicators most sensible people recognize as danger signals.

First, was this an irrational crime? If an arsonist sets a fire to collect insurance, that is a crime but also a rational act. Such a person can be deterred by being made to pay for the harm done and the costs to the fire department. However, if the arsonist sets fires just because he likes to see them, it is highly unlikely that he can be stopped from setting others, no matter how high the fine. Imprisonment is advisable even though it may be a first offense.

Second, was there wanton cruelty? If a robber maims or slashes the victim, there is little likelihood that he can safely be left in the community. If a robber simply displays a gun but does not fire it or harm

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the victim, then one should consider his life history, provocation, and other circumstances in deciding whether probation is appropriate.

Third, is this a hostile person? Was his crime one of hatred, and does he show any genuine remorse? Most rapes are acts of hostility, and the vast majority of rapists have a record of numerous sexual assaults. I remember one man who raped his mother. I gave him the maximum sentence under the law—20 years—but with good behavior, he got out fairly quickly. He immediately raped another elderly woman. Clearly, few rapists can safely be left in the community, and in my tenure, I incarcerated every one.

Yet gang rape, although a brutal and horrifying crime, is more complicated. The leader is clearly hostile and should be punished severely. Yet the followers can't be so neatly categorized. Some may act largely out of cowardice and peer pressure.

Fourth, is this a person who knows he is doing wrong but cannot control himself? Typical of such offenders are pedophiles. One child abuser who appeared before me had already been convicted of abusing his first wife's child. I got him on the second wife's child and sentenced him to the maximum. Still, he'll get out with good behavior, and I shudder to think about the children around him when he does. This is one case in which justice is not tough enough.

By contrast, some people who have committed homicide present very little danger of further violence—although many more do. Once a young man came before me because he had taken aim at a person half a block away and then shot him in the back, killing him. Why did he do it? "I wanted to get me a body." He should never get out. But the mandatory codes don't make great distinctions between him and another murderer who came before me, a woman who shot and killed a boy after he and his friends brutally gang-raped her teenage daughter.

I found this woman guilty of first-degree murder, but I found no reason to incarcerate her. She had four young children to support who would have become wards of the welfare department and probably would have spent their childhoods in a series of foster homes. I placed her on probation—a decision few judges now have the discretion to impose. She had not been arrested before. She has not been arrested since.

Of course, the vast majority of men, women, and children in custody in the United States are not killers, rapists, or arsonists. They're in prison for some type of theft—a purse snatching, burglary, or embezzlement. Many of these criminals can be punished without incarceration. If you force a first-time white-collar criminal to pay heavily for his crimes—perhaps three times the value of the money or property taken—he'll get the message that crime does not pay. As for poor people, stealing is not always a sign that the individual is an unreasonable risk to the community. It's often a sign that they want something—a car, Air Jordans—that they are too poor to buy themselves. Many of them, if they are not violent, can also be made to make some restitution and learn that crime doesn't pay.

Of course, to most of us, the idea of a nonprison sentence is tantamount to exoneration; a criminal sentenced to probation has effectively "gotten off." And there's a reason for that impression: Unless the probationer is required by the sentencing judge to perform specific tasks, probation is a charade. The probationer meets with the probation officer, briefly, perhaps once a month—making the procedure a waste of time for both. The officer duly records the meeting and the two go their separate ways until the probationer is arrested for another offense.

When I made the decision not to send a criminal to prison, I wanted to make sure that the probation

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system I sent them into had teeth. So I set firm conditions. If the offender was functionally illiterate, he was unemployable and would probably steal or engage in some other illegal activity once released. Thus in my sentencing, I sent him to school and ordered the probation officer to see that he went. (I use the masculine pronoun deliberately for I have never seen an illiterate female offender under the age of 60.) I ordered school dropouts to get their high school equivalency certificates and find jobs. All offenders were ordered to pay restitution or reparations within their means or earning capacity to their victims. Sometimes it was as little as $5 a week. Offenders simply could not return to their old, feckless lifestyles without paying some financial penalty for their wrongdoing.

Monitoring probation wasn't easy for me, or the probation officers with whom I worked. Every day I'd come into my office, look at my calendar, and notice that, say, 30 days had passed since Elliott was let out. So I'd call the probation office. Has Elliott made his payment? Is he going to his GED class? And so on. If the answer was no, I'd hold a violation hearing with the threat of incarceration if the conditions were not met within 30 days. After I returned a few people to jail for noncompliance, both my offenders and their probation officers knew I meant business. (Few probation officers protested my demands; their jobs were more meaningful and satisfying, they said.)

Of course, probation that required education and work and payment plans meant real work for criminals, too. But there was a payoff both the probation officers and I could see: As offenders worked and learned and made restitution, their attitudes often changed dramatically.

Time and punishment

My rules of sentencing don't make judgeship easier; relying on mandatory sentencing is a far better way to guarantee a leisurely, controversy-free career on the bench. But my rules are, I believe, both effective and transferable: an application of common sense that any reasonable person could follow to similar ends. What prevents Americans from adopting practical measures like these is an atavistic belief in the sanctity of punishment. Even persons who have never heard of Emmanuel Kant or the categorical imperative to punish believe that violation of law must be followed by the infliction of pain.

If we Americans treated crime more practically—as socially unacceptable behavior that should be curbed for the good of the community—we might begin to take a rational approach to the development of alternatives to prison. We might start thinking in terms not of punishment but of public safety, deterrence, and rehabilitation. Penalties like fines, work, and payment of restitution protect the public better and more cheaply than imprisonment in many cases.

Mind you, sentencing guidelines are not inherently evil. Intelligent guidelines would keep some judges from returning repeat offenders to the streets and others from putting the occasional cocaine user away for 10 years. Yet those guidelines must allow more latitude for the judge and the person who comes before him. While some states' sentencing laws include provisions that allow judges to override the mandatory sentences in some cases, the laws are for the most part inflexible—they deny judges the freedom to discriminate between the hardened criminal and the Michael. Richard H. Girgenti, the criminal justice director of New York state, has long proposed that the legislature give judges more discretion to impose shorter sentences for nonviolent and noncoercive felonies. This common-sense proposal has not been acted on in New York or any other state with mandatory sentencing laws.

Current laws are predicated on the belief that there must be punishment for every offense in terms of prison time rather than alternative sentences. But when it comes to determining the fate of a human being, there must be room for judgment. To make that room, we must stop acting as if mathematic calculations are superior to human thought. We must abolish mandatory sentencing laws and change the criteria on which sentencing guidelines are based.

Why not permit judges more freedom in making their decisions, provided that they give legitimate reasons? (If a judge doesn't have a good reason for deviating—if he's a reactionary or a fool—his sentencing decision will be overturned.) And why not revise the guidelines to consider dangerousness rather than the nomenclature of the offense? If we made simple reforms like these, thousands of nonthreatening, nonhabitual offenders would be allowed to recompense their victims and society in a far less expensive and far more productive way.

You may be wondering, after all this, if I have a Willie Horton in my closet—a criminal whose actions after release privately haunt me. I do. I sentenced him to 10 to 20 years in prison—the maximum the law allowed—for forcible rape. He was released after eight years and promptly raped another woman. I could foresee what would happen but was powerless to impose a longer sentence.

And then there are the other cases that keep me up nights: those of men and women I might have let out, but didn't. And those of people like Michael, for whom justice shouldn't have been a mathematical equation. □

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Black Robe

There's one group of criminals judges still go easy on: themselves

by Stephanie Mencimer

Helen Guercio had been a clerical worker in the Detroit courts for 45 years, so she had a pretty good idea of how the system worked. And lately, federal bankruptcy judge Harry Hackett's cases didn't seem to fit it.

Guercio, who worked for another bankruptcy judge, had noticed that Hackett was drawing nearly all the court's large corporate bankruptcy cases—an oddity, since such cases were supposedly doled out at random. Moreover, most of these cases were being argued by one prominent bankruptcy lawyer, Irving August. After peering more closely into the court's financial records, Guercio also discovered that Hackett, who determined lawyers' fees in such cases, was awarding August what seemed to be excessively high payments.

It looked to Guercio like a case of kickbacks, but, still, she was just a secretary. So she took the evidence to the chief district judge, who was responsible for ruling on allegations of foul play. Her complaints soon disappeared unanswered into the abyss of the court system.

Guercio had logged enough experience in the labyrinthine legal system to know there was a second way to get charges heard. She'd break protocol and bypass the Detroit judiciary altogether, taking her suspicions to the Administrative Office of the U.S. Courts, an agency set up by Congress in 1980 to make sure complaints like hers don't get muzzled. Reaching a staff attorney in the bankruptcy division, Milner Benedict, she unloaded her fears.

Benedict listened, and then went to work. When the dust settled several months later, Guercio's uneasiness had proved founded. August had been sleeping with the clerk in charge of the blind draw and paying her off for ensuring that his big cases were handled by Hackett. As for Hackett, the investigators unearthed compelling evidence—like the fact that August had paid for trips taken by the judge and his girlfriend—that in return for awarding August cushy fees, the judge was taking a cut for himself. But while August was eventually sent to jail, Hackett simply retired at the end of his term—in good enough standing to have a courthouse dedicated to him in his hometown of Ann Arbor, Michigan.

Guercio didn't fare as well. A few years later, after raising questions about another judge, she was fired.

In the annals of the American judiciary, the Detroit case is atypical—not just because of the corruption, but because that corruption was investigated and exposed. Thanks to two decades of reforms, including the Freedom of Information Act and an explosion in the number of government investigators, the executive and legislative branches have come under closer scrutiny. But the judicial branch remains accountable to virtually no one but itself.

Stephanie Mencimer is a Washington writer. Research assistance was provided by Scott Greenberger.

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Not so fast, you say: We know what movies Robert Bork rents from the local Blockbuster Video, we know when Douglas Ginsburg got stoned, and many of us know more about Clarence Thomas than we can stomach. Indeed, after the Thomas hearings, politicians began complaining that there's *too much* public scrutiny of judges—and suggesting that the press and Congress and the lawyers should all lighten up.

But there's something this panorama of recent judicial inquiry doesn't take into account: All the klieg lights and interrogations are reserved for just nine of America's nearly 30,000 judges, the Brethren. Below them, the rules of the game are not only different, but written and implemented almost exclusively by other judges and the lawyers whose careers depend on them. While investigations of the judges who break those rules tend to be few and far between, lawyers and other observers who do complain are at best ignored and at worst punished for daring to point a finger. And even when the evidence against a judge is overwhelming, punishment tends to be of the wrist-slap variety.

Needless to say, the stakes here are enormous: While Supreme Court justices hear fewer than 130 cases a year, the federal courts alone hear more than 30,000 annually, and in the process create the bulk of the law of the land. Judges have one hell of a responsibility—and thus judicial overseers have an equally crucial obligation to make sure those on the bench deserve to be there. But the overseers don't seem to be sweating it. From 1989 through 1991, 988 complaints were filed by lawyers and other citizens against federal judges. Chief judges took corrective action in just 23 of those cases. Of the rest, 259 cases were channeled to "judicial councils"—select committees of judges charged with getting to the bottom of allegations. There, every single charge was dismissed.

In the meantime, the press and law enforcement officials have discovered enough judges taking kickbacks to suggest that corruption in the judiciary is not an unthinkable proposition—although getting bad judges off the payroll seems to be. Consider federal district judge Robert Collins in New Orleans, who was sentenced to six years in prison in 1991 for taking a bribe from a drug smuggler in exchange for a lighter sentence. He refused to resign and still collects a salary of $125,000 a year—and will continue to do so unless he is impeached by Congress.

Or consider the 1983 case of a Pennsylvania supreme court justice who came under investigation for, among other things, allegedly using his political clout to secure government jobs for his friends. An inquiry board of lawyers and judges examined the charges, but one member, attorney Robert Surrick, felt the board was giving the judge a free ride. Surrick filed a petition to turn the investigation over to the state supreme court, but the court refused to hear a case against one of its own members. So a frustrated Surrick took his charges to *The Philadelphia Inquirer*.

But the judge in question was still a sitting judge, and he struck back with the power of his position, initiating disciplinary proceedings against the lawyer to revoke his bar membership for publicly disgracing the bench. Surrick spent seven years fighting disbarment, eventually clearing his record. But then, exhausted and disillusioned, he retired. Today, the judge is still sitting.

Problem cases like these help explain an even bigger problem: Because judicial discipline is so inadequate, reasonable people won't risk the hassle of coming forward, even when they know something is wrong. At least Anita Hill still has her job, and millions of supporters. But people like Helen Guercio and Robert Surrick aren't so lucky.

Hun jury

In a perfect world, bad judges would be plucked out before they had a chance to wrinkle their robes. And on paper at least, the complex nomination system looks like it's primed to pluck away. All federal judiciary candidates, once nominated by the president, must be confirmed by the Senate, which in turn relies on its judiciary committee for a recommendation.

Unfortunately, the committee isn't always exacting in its standards. Last year, it debated and held roll call votes on only two of 58 nominations, Clarence Thomas and Kenneth Ryskamp. And only one, Ryskamp, was rejected. "There is an informal quota up there of about one or two a year [who are challenged]," says Allan Morrison, head of Public Citizen's Litigation Group. "Other than that you could send up Attila the Hun and they'd pass him. They don't have the stomach or the resources to oppose too many candidates."

Of course, the judiciary committee has a cover: It relies heavily on the American Bar Association (ABA) and the FBI for its investigative legwork. But as became clear during the Thomas hearings, the FBI considers the White House, not the Senate, its client. And the ABA—well, it's got its own problems. Much of the ABA's information comes from a questionnaire that candidates are asked to complete on their judicial temperament, years on the bench, professional competence, integrity, health, and so on. Not surprisingly, most potential judges think they're swell.

After completing the self-evaluation, each candidate is scouted by a lone ABA investigator—puta-

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tively the tough part of the drill. But in most cases that detective work consists of a few phone calls to the nominee's colleagues.

This lackadaisical effort at investigating nominees has had a predictable result: Of the more than 500 recommendations issued by the ABA since 1980, just *one* was unfavorable (and that unlucky man died during the confirmation process). How confidence-inspiring is a track record like that? As Senate Judiciary Committee Member Paul Simon said during a 1989 hearing on the ABA's role in the nominating process, he occasionally gets the "uneasy feeling when a nominee is front of me that I hope he doesn't get anything very complicated in front of him if he is a federal judge."

That's perturbing enough. But, unfortunately, the nomination process is Chinese water torture compared to the kind of scrutiny judges receive once on the bench.

ABAsed

Thankfully, a handful of judges *have* been expelled from the judiciary for violating the laws they swore to uphold. U.S. District Court Judge Harry Claiborne in Las Vegas was found guilty in 1984 of filing false income tax returns and was later impeached by the Senate, as was Alcee Hastings, a U.S. District Court judge in Miami who allegedly solicited bribes. But in more than 200 years, only 14 federal judges have been dragged before the Senate for impeachment hearings; of these, seven were convicted and removed from office.

But don't point the finger at the Senate; it can act only on cases that get that far. And most don't, thanks primarily to a system that allows judges to rule on cases that involve their peers. In each of the 13 federal judicial circuits, a chief judge is appointed to review all complaints lodged against fellow judges. He can either refer a case to a council of district and appellate judges for further review and a decision, or dismiss it as he sees fit. If the case is referred for further investigation, the punishment can be censure or a reprimand, which can range from a private scolding to temporary suspension.

The problem is not just that these judge-jurors rarely punish their fellow benchmates, it's that their word is the final say. In fact, they aren't even required to make the reasoning behind their decisions —or even the decisions themselves—public. And while the ABA sets the judicial code of conduct, it hasn't the teeth to enforce it.

Of course, the FBI can conduct independent investigations of sitting judges, but such probings have remained a low priority. "They're not going to pull guys from the drug squad or the organized crime unit just to see if some judge is taking kickbacks," snaps FBI spokesman Nestor Michnyak. The other agency deputized to investigate complaints of court crime, the Administrative Office of the U.S. Courts, has only five or six auditors to oversee all 837 federal judges. And while most states have set up a system of grievance committees and judicial inquiry boards, the boards' domain is limited to the state court system.

The result? "Forget about filing a complaint against a judge unless it's something on the front page," laments Kay Ostberg, executive director of the legal reform group HALT. "The [judicial] community is set up to protect them."

Lawyerhood of silence

No one knows that better than the lawyers. Although they have the best view of the playing field, they also have the most to lose by taking on a judge. Even high-profile lawyers, such as Brooklyn District Attorney and former congresswoman Elizabeth Holtzman, aren't safe from retribution. In the midst of a 1987 sexual assault trial in Kings County District Court, Judge Irving W. Levine ordered the rape victim down on her hands and knees to demonstrate the position in which the crime occurred. Holtzman, who felt the judge's behavior was "profoundly humiliating and degrading to the victim," filed a complaint with the state's commission on judicial conduct; she also took her case to the press. The allegations did finally lead to an investigation—not of Levine, but of Holtzman. She was charged by the district court's grievance committee—made up, of course, of judges—with making public accusations of misconduct against their fellow judge.

After nine days of hearings, the committee conceded that the rape demonstration had in fact occurred. Even so, the committee concluded that by making her complaint public, Holtzman was guilty of violating the professional code of conduct, not to mention "thoroughly reducing public confidence in the entire judicial/legal system." In the end, the committee never called Levine's conduct into question.

Mind you, that judicial committee was merely following the law. Not surprisingly, the courts have upheld the notion that lawyers may be disciplined or disbarred for criticizing judges—even if the criticism is found to be true. In fact, 13 state supreme courts have ruled that lawyers are not protected by the First Amendment when it comes to criticizing judges.

Some sort of judicial protection is perfectly reasonable. The public must have faith in the judicial system for it to work, and if judges are publicly and frequently criticized, that faith will be eroded. And

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the bench also needs some insulation from lawyers (or their clients) who think that just because they lost a case the judge is on the take. But the pendulum has swung so far in favor of the bench that when lawyers moan that judges think they're God, they're not far from the legal truth.

In Florida, the court ruled in 1973 that "the judicial process as an institution of government is a sacred proceeding." Any criticism that "brings into scorn and disrepute the administration of justice" is not protected by the First Amendment. The U.S. Supreme Court has reinforced the limit on lawyers' free speech rights by refusing to address the issue.

Bribed imbibers

By stifling criticism and abdicating judicial oversight to the judges themselves, our system invites the type of abuse that festered in Chicago's Cook County Circuit (the largest court system in the nation) in the early eighties. What the Justice Department finally found makes a Scott Turow novel look boring.

Judges were taking kickbacks and bribes, even in their chambers. Several were alcoholics, including one circuit court judge who was on occasion so hung over that he had his courtroom police sergeant don a black robe and work his morning shift. (The sergeant-turned-judge apparently reveled in his promotion. He once sentenced a drunk to death because he criticized the justice system while in the lockup behind the courtroom.)

Justice's eight-year investigation, known as Operation Greylord, produced indictments against 88 judges, lawyers, police officers, and court personnel on charges including racketeering, bribery, and tax and mail fraud. But while these charges were new to Justice, they were old news to many lawyers. John Jiganti was president of the Chicago Bar Association in 1987, when many of the indictments were handed down. Despite years of corruption not one lawyer came forward to report the malfeasance, he recalls, even lawyers who weren't on the take. The lawyers didn't use the internal mechanisms for reporting the fraud, he explains, because they knew they didn't work.

The disciplinary system in place in Chicago at the time of Greylord is very much like the current system for federal judges. But if federal judges are content with the status quo, Greylord showed Chicago that there had to be a better way.

Since the sting, the Chicago Bar Association (CBA) has attempted to turn peer review of state judges, who come up for evaluation every six years, into more than a rubber-stamp process. In recent years, anywhere between two to five of the 60 judges annually reviewed have been found unfit to remain on the bench. "A lot more passes were given before Greylord," says Jiganti.

The CBA has also made a stab at better review of federal judges. Instead of relying primarily on self-evaluations, it now surveys the federal judiciary and interviews lawyers confidentially about each judge's performance. But these small reforms are just a start —and they still leave judges and lawyers in charge. For truly effective oversight, we'll pretty much have to start from scratch.

The first thing to do is get tougher on judges before they become judges—that is, before they achieve their "untouchable" status. To complement the flimsy FBI and ABA investigations, we might empower a Senate-appointed permanent, nonpartisan investigations commission to probe the backgrounds of federal judicial nominees. Congress has created such independent oversight bodies in the past—see the Congressional Budget Office or the Office of Technology Assessment. Another approach would be to create committees of lawyers and citizens to review candidates—which would encourage input from a wider range of interested parties.

Once judges get on, though, the task is even larger: ending the closed, self-regulating disciplinary culture. One key reform would be to try misconduct cases by jury rather than behind the closed doors of another judge's chambers. Another is to create independent bodies, made up of lawyers and nonlawyers, to thoroughly investigate charges against the judiciary. And one drastic solution is to end life terms for federal judges, which isolate them from public scrutiny.

But we can't expect the judiciary to see the wisdom of ideas like these without a little nudge, which is why the most likely path to the reform of judicial discipline lies outside the courtroom. The press, which slathers over the Supreme Court but considers the lower courts unworthy of its scrutiny, has some rich new territory here—although that territory has a few built-in perils. When *The Philadelphia Inquirer* reported on corruption in the Pennsylvania case, it found itself slapped with a libel suit. Today, the paper that criticized the judiciary awaits a judgment from the bench. Where would you place your bets?

In 1990, Congress created a commission to examine both the impeachment and disciplinary processes; that commission offers a window of opportunity for real reform. But clearly, fixing the judicial discipline system won't be easy or politically painless. It involves adjustments at every level, from the ABA to the Judiciary Committee to the courts' internal investigative mechanisms to the press. But just ask Helen Guercio or Elizabeth Holtzman or Robert Surrick—*not* reforming it is courting real disaster. □

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MEMO OF THE MONTH

ANNOUNCEMENT

United States District Court
Southern District of Ohio

In order to more effectively meet its court support mission, the Clerks Office for this Court at Dayton, Ohio will reduce its hours of public availability to the period 8:30 a.m. to 4:00 p.m. each normal work day.

We apologize for any inconvenience this change may cause and ask your cooperation by adjusting your use of our services and facilities to our new hours.

Kenneth J. Murphy, Clerk
United States District Court
Southern District of Ohio

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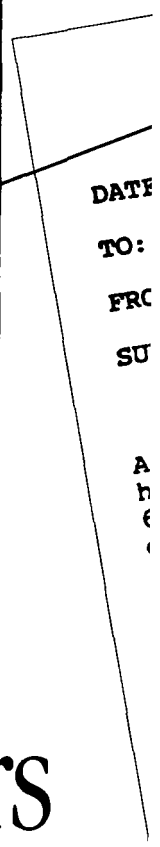
This Washington branch of a Minneapolis law firm has over the years boasted a top-tier client list, from Coca Cola to Westinghouse. But Third World regimes are an especially lucrative sort of client, bringing in annual fees ranging from $100,000 to $1 million. (Hill and Knowlton got $10 million for its Kuwait-related account.) What do these countries think they're paying for? Good publicity, comfy trade agreements, and their fair share of U.S. foreign aid—plus the access that makes those windfalls happen.

But before the country—or the lobbyists—get rich, O'Connor & Hannan (O&H) has to create the need and fuel the greed. Hence this "pitch" letter, with its message and context decoded.



The PR Papers

Watching a Washington lobbyist con a would-be client

annotations by Art Levine

Art Levine is a contributor to Spy *and a contributing editor of* The Washington Monthly.

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A spring proposal gives corporations and countries plenty of time to award contracts before summer vacations and the onset of the next fiscal year.

A consultant with ties to the Venezuelan government.

A former director of the Peace Corps under Nixon, Joseph Blatchford has since specialized in image-repair on Capitol Hill for Bolivia, Ecuador, and the right-wing El Salvadoran government of Alfredo "Freddy" Cristiani—governments not known for special delicacy in questioning dissidents, but that have been capable of surprising tenderness toward the corrupt and the drug-monied.

Venezuela, with its reputation for corruption and periodic human rights abuses, is a perfect candidate for the Blatchford approach. With its relatively democratic government and healthy—if inequitable—economy, Venezuela was able to reap a little more than $1 million in U.S. aid last year, mostly for anti-narcotic efforts. Blatchford's challenge here: convincing the Venezuelans that he can help them get even more.

Nobody in Washington cares about your obscure president.

But Blatchford does.

Your current lobbyists—such as Arnold and Porter—are doing a lousy job.

O&H lobbyists are big-shots. "A lot of statements by senators are written by our people right here on this table," said Blatchford recently, pointing to a glass table in his plush office.

O&H can make you rich from foreign investments. But be prepared to take the heat. Blatchford fails to mention that his work for El Salvador, which brought in $10,000 a month, generated so much negative publicity that the city of Minneapolis voted in December 1989 to sever ties with the law firm, costing the firm $500,000 in fees.

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O&H can make your president famous in Washington and introduce him to people like Len Downie, George Will, and William Safire. Why should President Arias of Costa Rica be the only Latin American leader with good press and a Nobel Prize?

'he more famous President Pérez becomes, the nore money your country gets.

other cabinet officers in Washington for meetings with the international financial institutions, the Congress, the White House, the various think-tanks such as the Heritage Foundation, the Center for Strategic and International Studies, Woodrow Wilson Institute and numerous press briefings including a press conference at the Press Club and individual meetings with reporters and syndicated columnists. These visits include meetings with the editorial boards of the Washington Post and visits to New York to see the Wall Street Journal and the New York Times.

This type of activity can generate a great deal of good will and interest on the part of the country and it can surely take advantage of a presidential visit which is a truly unique opportunity to get maximum exposure and that opportunity should never be lost.

Among my colleagues at O'Connor & Hannan are a former U.S. Senator (Republican), a former Congressman (Democrat) and many who have served either in the White House or Congressional staff. My own background includes Director of the U.S. Peace Corps, Under Secretary of Commerce and member of one of the original steering committees of Bush for President back in 1979. I have been active in the Bush campaigns and the Republican Party whereas my colleague, former Congressman Jim Symington, has been active in the Democratic Party and our founding member, Pat O'Connor, was Treasurer of the Democratic National Party and a very close friend of Hubert Humphrey and Walter Mondale. So, we have excellent contacts in the committees in both the House and Senate. Attached is a sample program that we prepared for a President-elect last year and, in fact, I have just come from a luncheon in the Senate which we organized for a Vice Minister of another country.

In order to enhance our capacity for public affairs, we have included a senior partner who has vast experience in communications and who is an advisor to Mr. Morita of Sony and has conducted many international public affairs campaigns, including the communications program for El Salvador, a copy of which is attached for your interest.

Both Republicans and Democrats will vote to give your country more money and trade preferences. (As he drops names, Blatchford makes sure to touch all the political bases.)

Japanese executives are smart people, and they pay O&H big bucks. So should Venezuela.

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O&H will work hard on the Hill for the money. But what Blatchford doesn't mention is that O&H's efforts on behalf of El Salvador, perhaps its most visible foreign client, aren't well regarded by several Hill aides, even those sympathetic to the Cristiani government. "His firm just doesn't do a good job," one conservative Hill staffer says of Blatchford. "If they're paying him a nickel, it's too much."

On this team we have numerous people with contacts in the press, public affairs and we write continuing news bulletins to Capitol Hill. Part of the duties of the lobbyist that we can provide for President Andres Perez would be daily or semi-weekly summaries in Spanish of going-ons on Capitol Hill, any legislation that is introduced that affects Latin America, trade preferences, trade cases, which is a specialty of mine, all political developments, speeches on the floor of the Congress.

For example, from January to September of last year I have a list of all of the comments made in the Congress about Latin America. Of the 579 items which appeared in the Congressional Record only eight are about Venezuela. There are three mentions of hearings on the debt, one including the riots that went on, one is a mention of a study by Venezuela of the Nicaraguan electoral process and three mention the nomination of Eric Javits. That's it for the Congress' interest in Venezuela.

I propose that O'Connor & Hannan be retained by the Government of Venezuela to handle several issues:

1. Monitoring events in Washington. Regular summaries to the President on a daily or semi-weekly basis about all bills, rules, regulations, speeches on the floor of the Congress, studies done by think-tanks, press releases given out by the President or the Vice President on issues that would be of interest to the President of Venezuela. This includes delegations visiting here from various Latin American capitals, their schedules, their comments, results of Congressional hearings on Latin American issues including drugs, Central America, debt negotiations. An ear to the ground for the President on the going-ons in Washington.

O&H has its finger on the pulse of the Hill. But that doesn't necessarily lead to political savvy. In 1990, a congressional aide recalls, Blatchford's lobbying team made a wrong-headed effort to enlist the support of the late Massachusetts Rep. Silvio Conte, then the ranking Republican on the House Appropriations Committee, in fighting efforts to reduce El Salvadoran military aid. The problem with this approach was that Conte was a liberal Catholic totally outraged by the killing in November 1989 of six Jesuit priests. After receiving the recruiting call from O&H, a shocked Conte aide asked a Hill colleague, "Are they *kidding*?"

O&H is plugged into the Washington power circuit Unfortunately, that still doesn't help Blatchford and his crew provide consistently accurate political information to their clients. Last year, before an important vote regarding El Salvadoran military aid, he boasted, "We've got everything in line," and in a strategy memo picked a number of moderate Democrats, like Al Gore, as "best bets" to support the El Salvadoran government. None of them ended up voting as O&H expected. The pro-military proposal—to table an anti-military amendment by Senator Chris Dodd—lost 56 to 43, although Blatchford projected a winning majority of 52 votes.

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Hiring O&H means no tariffs and more markets for your country's products.

They'll get President Pérez on "Nightline"—or at least "This Week with David Brinkley." Blatchford isn't quite the media sophisticate he purports to be, however. He accidentally gave this reporter a copy of this memo along with a pile of background papers on El Salvador.

Blatchford will make sure rich Venezuelans will meet congressmen who will help them get U.S. contracts and trade benefits.

This would also include trade issues such as the GSP program of trade benefits, the Caribbean Basin Initiative. Incidentally, I served as the founder of the Caribbean/Central American Action, a non-profit organization that lobbies for economic development in the Caribbean Basin and still serve as a Trustee of that organization.

2. Set up meetings of Congressional committees for high-ranking visitors, including business groups from Venezuela to educate the Congress and increase awareness of Venezuela in hemispheric relations.

3. Conduct a public affairs program: setting up meetings and interviews with journalists, editorial boards, ghost-writing articles for the President in U.S. publications, setting up interviews in Caracas with the McNeil-Lehrer Report and other such prestigious public affairs programs which would feature President Andres Perez and his initiatives for peace and development in Latin America.

4. Organize trips to Venezuela of Senators and Congressmen and, equally important, their staffs to visit the country and meet with the President. Then, make sure that Venezuela is mentioned numerous times in the Congressional Record and on the floor of the House and the Senate.

5. Make sure that news events such as successful rescheduling of debts or initiatives to curb drug abuse or privatization of industries is disseminated throughout the Congress and the media.

Blatchford's firm will subsidize South American junkets for legislators and write speeches for these sunburned congressmen that will be inserted in the *Congressional Record* and that no one will read.

Blatchford is attempting to con his would-be client into believing that the media and Congress will breathlessly follow such "news events" as "rescheduling debt." Actually, there have to be hundreds of natives—or one American nun—slain on the streets before American opinion-makers become interested in Latin America, and even then, their interest is fleeting. Venezuela did, ultimately, win minor attention this year, when a military coup, fueled by anger over corruption and economic suffering, nearly toppled President Pérez.

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O&H makes so much money that its employees can jet away to luxury beaches whenever they want. By the way, Ernesto, since you and Blatchford are now buddies, you might want to come along.

O&H will help bring tourist dollars to your out-of-the-way country.

In other words, a comprehensive program of political affairs, communications, lobbying and trade work which will heighten the visibility and awareness and contribution that Venezuela can make to the hemisphere and to U.S.-Venezuelan relations.

Ernesto, you might be interested in another closely held secret, the Island of Margarita. Four different people from this law office have visited Margarita in the last six months and are spreading by word of mouth that this is a good, inexpensive place to have a vacation. Another friend of mine, a tennis player, went to Venezuela to visit and wound up getting a job as a writer down there. The world is expensive and Venezuela is a bargain, a way to see South America and spend time on the beach.

Among other things you can say that I am enclosing a speech that I wrote for the Ambassador of Bolivia on drug issues, a speech that I myself gave in Spanish before the diplomatic corps in Peru, a couple of articles that we authored for Cristiani. You might want to take a copy of the speech we wrote for the President for his campaign on national volunteer service and indicate to him, as I did to Diego, that George Bush used part of that to launch his youth program during his campaign.

ac
Enclosures

Blatchford writes speeches for presidents and ambassadors. He can do it for Pérez, too.

In the end, Venezuela wasn't convinced by Blatchford's blandishments. According to Justice Department records, its current lobbyists are Arnold & Porter; Collier, Shannon & Scott; and Squier, Eskew, and Knapp Communications. Better luck next time, Joe.

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WHO'S WHO

That haggard look on **George Bush**'s face in February had two explanations. One, of course, was **Pat Buchanan**. The other was that he was trying to kick the Halcion habit. . . .

But there is some evidence that he still may be popping a pill now and then. Witness his recent reference to **Norman Schwarzkopf** as **General Scowcroft**. . . .

The word around town is that **Bill Clinton** may be home free on the **Gennifer Flowers** problem. Bush and his associates are said to have been mightily impressed by **Bob Squier**'s point, reported here last month, that talk about Gennifer will lead to talk about **Jennifer**. One similarity that might occur to reporters is that both women were "taken care of" with government jobs. The one hazard remaining for Clinton is that Gennifer may sue him under the equal protection clause when she learns that Jennifer is making $112,000 compared to her measly $17,000. . . .

What does a lobby do when one of its favorite members of Congress, a representative who has been steadfastly loyal to its cause, becomes embroiled in a major scandal? This question is being posed to a number of prominent lobbying organizations by the overdrafts on the House bank. Two examples are **Mary Rose Oakar** and **Stephen Solarz**, who are among the top 24 offenders. Solarz has long been a champion of Israel as Oakar has been of the AFL-CIO. The issue is whether the lobby will look worse embracing or abandoning the sinner. The betting here is that in these two cases, the lobbies will choose to sing along with **Tammy Wynette**. . . .

David Hess of Knight-Ridder and **Pat Towell** of *Congressional Quarterly* won the hotly contested election for membership in the Congressional Press Gallery's Standing Committee of Correspondents, defeating reporters from such news organizations as *USA Today*, *The Atlanta Journal and Constitution*, and *The New York Times*. Why were all these fellows so interested in membership on the committee? Because this is a presidential election year, meaning that there will be Republican and Democratic national conventions, and the committee has a lot of say in handing out floor passes and assigning work spaces to the press. Because convention sites—especially Madison Square Garden, where the Democrats will gather in July—are often short on elbow room, the allocations made by the committee play a significant role in determining access to the floor and the relative comfort of working conditions. . . .

When **Clinton** was at Oxford, he refused to join his fellow Rhodes scholars in signing a petition against the war in Vietnam. His reason: It might damage his political career. . . .

One reason the Bush campaign got off to an uncertain start is that **Robert Teeter** had planned to focus it on the triumph of Desert Storm, and both he and Bush, according to White House insiders, had great difficulty facing the fact that the voters were much more concerned about the present recession than the past victory. . . .

There is some puzzlement about the personnel moves **James Baker** is making at the State Department. **Thomas Pickering**, who is being sent to India as our ambassador, is generally considered to be doing a good job at the United Nations. Undersecretary of State for Security Affairs **Reginald Bartholomew**, who will be sent to Brussels to serve as ambassador to NATO, is in the midst of delicate negotiations with the former Soviet republics over the disposal of nuclear weapons. He is to be replaced by **Frank Wisner**, who is now ambassador to the Philippines (and son of the legendary CIA official), whose previous career was devoted almost entirely to the Middle East and Africa and who has no experience in the Soviet Union. . . .

Gossip is growing about the switch-hitting proclivities of a prominent political spouse. If we find out it's more than gossip and has some political relevance, we'll get back to you. . . .

During his campaign for the governorship of Kentucky last year, Rep. **Larry J. Hopkins** assured voters that he would not use for personal purposes the $658,000 left in his congressional campaign fund. Now he says taking the money for himself is "an option." Hopkins is one of 10 congressmen who are still eligible to use the now-closed loophole permitting those leaving Congress to convert campaign funds to their own uses. . . .

David Pryor is denying a report from the *Memphis Commercial Appeal* that he "may retire at the end of the year" because of a heart attack he suffered last April. Another health rumor concerns **Jamie Whitten**, the powerful chairman of the House Appropriations Committee, who entered Walter Reed Army Medical Center on February 3 for "tests and routine medication checks." He was still in the hospital at the end of the month, prompting speculation that he may have a serious problem. . . .

Observers here were amused when **Ron Brown** rushed to **Hillary Clinton**'s defense after **Jerry Brown** accused her of influence peddling. The chairman and his partners have never been accused of excessive subtlety in letting potential clients know that their firm is not without connections among the powerful. . . .

It is, by the way, the consensus among the political pundits that Jerry Brown's attack was maladroit in the extreme. His false charge that Bill Clinton was "funneling" money to his wife's firm blew Brown's chance to make a legitimate point. . . .

Politicians are asking how a candidate with the seemingly immense potential of **Bob Kerrey** failed so miserably. One answer from campaign insiders is that his consultants **David Doak** and **Robert Shrum** were trying to recycle the Japan-bashing campaign they ran for **Dick Gephardt** in 1988. That hockey-rink ad was one disastrous result. . . .

—*Susan Threadgill*

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Grow up, twenty-somethings. You *can* go home again

Rethinking a great American assumption

by Katherine Boo

Ten years ago, my high school English class read James Joyce's short story "Eveline," about a young Irish woman torn between staying at home with a needy, unappealing father—a "life of commonplace sacrifice" and occasional warmth—or escaping with a slick new lover on a ship bound for America. As Eveline confronts her literal and figurative point of departure, Joyce intends the moment to be a wrenching one; he'd felt his own guilt on leaving family and country. But we 16-year-old Americans were unmoved by Eveline's panic and—when she finally chooses family over freedom—utterly mystified. Why in the world *wouldn't* you leave home?

Those kids would have been horrified if it had occurred to them that a decade later, they might be making the same choice as the pathetic Eveline. Today, thanks largely to high rents and low wages, more than 18 million single adults aged 18-34 live with their parents—a phenomenon that has the psychologists apoplectic. "Failed adults," they term these young people: a generation of budding Norman Bateses spoiled by affluent parents. They dump their own kids on grandma, their problems on dad, and their crap on the living room floor. It's a pandemic so ominous that "doubling up"—relatives sharing space—has even earned a label from social statisticians: "borderline homeless." America's adult children are coming home in droves for the first time since World War II, and that seems to us a serious violation of the natural way of life.

If the economic reasons for the phenomenon are not exclusive to America, the distress associated with it surely is. What makes us so unhappy at this new necessity is a peculiarly national notion of success, one predicated on separation. Long before the cult of codependence, America's concept of mental and mate-

Katherine Boo is an editor of The Washington Monthly. *Research assistance was provided by Debra Weissman.*

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rial normalcy included a break from our families. (In 1776, after all, we declared independence from the "motherland.") And from Thoreau to Thomas Wolfe to James Baldwin to Jay McInerney, the link has been perpetually underscored: leaving the claustral parental home is requisite to emotional, economic, intellectual, social, and sexual independence. Sinclair Lewis's repressive Main Street probably has fax machines and a gay bookstore by now, but the necessity of leaving home endures as one of the great unchallenged assumptions of American life.

That assumption is undergirded by a certain amount of psycho-logic. Though true maturity and independence have never come so cheap (the intrepid Thoreau routinely left Walden Pond to take his laundry back to mom), leaving home *is* in general a pretty good way to find yourself; never leaving is a pretty good way to be a loser. But what's frustrating about all the attention paid to a few newly crowded houses is that it blinds us to the real problem with American families, a trend caroming in precisely the opposite direction. As the media pouts about "boomerang" kids, many more millions of Americans—single mothers, old people, even kids—are going it alone.

For decades we've grimly noted the demise of the dining room table, the death of extended families, the exodus of the young from their hometowns, and the indifference of children to their aging parents—and those trends simply aren't reversing. Americans still have, by far, the highest divorce rate of any industrialized nation and the highest proportion of single-parent households—probably the most economically vulnerable segment of the population. We still institutionalize our parents at a rate unequaled anywhere but in Northern Europe, and the urge to disentangle from our families has spawned a vast industry of self-help books and tapes. Too much familial dependence? The real problem is that we don't have—and don't want—more.

Ironically, the side effects of the despised coming-home phenomenon might be the very ones we ought to covet in an era of fragmented families. Just as the Depression held kids and parents together—there were four generations of Joads—this recession could strengthen our frayed familial bonds and yield significant public benefit. A renewed commitment to familial support might keep a few people off the dole, or off the ledge; it might make us a little less selfish and a little more willing to share. It might even make us happier, another notion Americans value pretty highly.

About the same time that the *L.A. Times* ran an article on how to kick kids out, a study by two University of Wisconsin sociologists appeared in *The Journal of Marriage and Family*. Despite all the horror-story news accounts, they found that 70 percent of parents and adult kids were actually pleased to live together against the zeitgeist. Good Lord, they *liked* it. Perhaps they'd discovered, as some other cultures have, that there are some compelling reasons for doing so. Perhaps, despite our gut reactions, sticking together isn't a pathology after all. Maybe it's a genuine social possibility.

House broken

At the House of Ruth, a D.C. shelter for battered women, a 31-year-old resident receives thousands of dollars' worth of city and federal aid for shelter, job training, food, and counseling. She clearly needs help after what her boyfriend did to her. But what's interesting is where she can't get it. Her parents are high-paid professionals; her aunt and uncle, who live in the area, are both lawyers. Her brothers, who live in Chicago and New York, are comfortably situated. This family isn't notably indifferent, either; when the woman checked into the shelter, her uncle called, lawyerlike, to interrogate shelter workers about their credentials. Apparently it didn't occur to the family, as it dutifully ascertained that the state was fulfilling *its* responsibility, that the family might have one, too.

Okay, so all unhappy families are different, and relationships within them so rife with peculiarities that generalizations about "the right thing to do" are about as useful as a Stairmaster in a fifth-floor walkup. But what is clear from recent social work literature is that this family's choice isn't all that extraordinary. When we read about the burgeoning number of destitute single-parent households, there's one question most of us don't usually think to ask: Where are the mothers, fathers, uncles, siblings? Some of them may have tried to get involved and been shut out, and some may be in worse shape themselves, but many others have *chosen* not to intervene.

We adore the extended family in the abstract; Madison Avenue has counted on our warm feelings for decades to sell Ritz crackers and Kentucky Fried Chicken. We just hate to live in it. As a welter of studies on American households conclude, in the last 30 years Americans young and old have chosen privacy over companionship as often as affluence has allowed, which it has. In the years between 1960 and 1990, the proportion of adults living alone tripled, from 4 to 12 percent of the population. The number of elderly living with their children dropped from one in three to less than one in five. The net result is that Americans are spending less of their lives in family households than ever before.

It's easy—and partially accurate—to blame our independence ethic on simple demographic reality.

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Americans are having fewer children and getting divorced a lot more often; there simply aren't as many close relatives to count on. But even when families are large—as in the less affluent segments of our society—the cultural preference for separatism, if not always the means to fulfill it, prevails. Reverend Ernest Gibson began noticing the change in his congregation at D.C.'s Mt. Zion Baptist Church about three years ago. Suddenly, parents couldn't be counted on to take in their pregnant, broke kids. Aunts, uncles, and cousins abounded, but they wouldn't automatically chip in during a crisis. He's heard the line over and over: "Reverend Gibson, I've got my own life to live."

Intergenerational cohabitation is clearly not just a demographic dinosaur; it's a cultural taboo. Many of us would feel more comfortable at a Washington party asserting we were in a methadone program with a battering spouse than confessing we still lived with mom. That shame has its roots in the 19th century, when the leaving-home ethic helped promulgate a national priority: Encouraging some of the young to leave the nest was the obvious way to domesticate the West. But as our economy grew more sophisticated and our geography more negotiable, our rationale for leaving evolved, too. The justification now centers not on economics, but on psychological growth —a justification that has become ever more compelling in recent decades. Judging by the cultural signposts, the family in the nineties represents what the corporation represented to William Whyte in the fifties: the corrosive pressure to conform.

Many of us would feel more comfortable at a Washington party asserting we were in a methadone program with a battering spouse than confessing we still lived with mom.

Jungle Fever, Spike Lee's movie, contains a good expression of the family as bulwark against progress. The father and brothers of the young Bensonhurst heroine perpetuate *everything* bad about American culture, from male domination to racism to selfishness to violence. Two decades ago, in "All in the Family," Meathead had a lot more (good) influence on Archie Bunker's views than Archie did on his. But in Lee's cosmos, the pressure goes in only one, wholly negative, direction. The family's stifling, importuning contingencies stand in mortal opposition to the good and freedom-loving self.

If Lee sketches the evil too starkly, the roots of his anxiety are widely accepted. One thing Freudians and anti-Freudians, Oprah and Erikson, agree on is that excessive dependence on a parent impedes normal maturation, making it impossible to love and work successfully as an adult. If movies are too expensive, you can examine the young casualties in countless pieces of fiction from the last half of the century.

"Laura! Come here and make a wish on the moon," demands Amanda of her crippled, dependent daughter in *The Glass Menagerie*, a classic of the family-pathology genre. "Look over your left shoulder, Laura, and make a wish. . . . Now, darling, *wish*."

"Moon? Moon?" Laura looks faintly puzzled, as if called out of sleep.

"What shall I wish for, mother?"

Of course, literature also offers us the Joads, J.D. Salinger's Glass family, and D.H. Lawrence's coal-mining clans. And if pressed, most of us can probably identify a few close, even cohabitating, families in which the members seem to function normally despite "abnormal" living situations. It's painfully self-evident: As people vary, families vary, and so do rates of emotional growth. And oddly enough, some people actually prosper in multigenerational households. Studies repeatedly confirm, for instance, that infants raised with both mother and grandparents develop far better emotionally and intellectually—as do the mothers themselves. Some young people who live at home after college are afforded the luxury of choosing careers that are more meaningful than instantly remunerative—social work, say, over the $30,000 a year job as a paralegal. And even more people in temporary crisis—job loss, a divorce—manage to stay off the dole and set their lives straight by heading back home to retrench. (And then there are the subtler impulses home countervails: The Gatsbyesque tendency toward self-invention, for instance, is hard to sustain when there are a dozen people around who knew you when you drooled.)

In cases like these, extended family support offers obvious social benefits—more capable children, more young adults doing interesting work, fewer

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people on public assistance—at a time when "nuclear" families have never been more unstable. By the close of this decade, fewer than 3 of 10 kids will have lived in a continuously intact family until the age of 18. Yet our cultural assumptions about success and normalcy weigh so heavily against prolonged parent-child relationships, we barely notice their payoffs.

Go rest, young man

One testament to our aversion to the concept is that some affluent parents shell out hundreds of dollars a month for *years* to maintain their progeny in their own apartments—"kept kids," as *New York* magazine dubs them. (The dirty little secret of the avant-urban scene is how many Nebraska moms and dads are footing the bill.) Unfortunately, economics isn't cooperating with our expectations. Rents have risen 28 percent since 1982, 10 points more than other components of the consumer price index, while 25- to 34-year-old workers are bringing home smaller paychecks. Yet as parent-child "independence" grows more difficult for economic reasons, experts now advocate the erection of artificial barriers. A *New York Times* column recently advised cohabiting parents and adult kids to draft a "business contract" in which parents specify the amount of time the child may dwell with them and children declare the kind of emotional and financial support they'll be requiring for the duration. (Three months, 10 loads of laundry, and half a dozen demonstrations of unconditional love?)

Is it just cohabitation that makes us nervous—or is it the emotional closeness those arrangements demand? "In a previous generation it might have been expected that adult children would spend every Sunday night with their parents," Dr. Matti Gershenfeld, an expert at Temple University, noted darkly in the *Times*. "But that's inappropriate these days."

Ah, the insidious, emasculating Sunday-dinner trick! Comments like that suggest the narrowness of our idea of what a "normal" family does. And in a way that reaction is inevitable. We're not *used* to familial togetherness anymore. It's not just that we purchase child care from institutions and deputize hospitals and nursing homes to care for our relatives; we purchase emotional support, too, from self-esteem therapy to job counseling to help in getting off the sauce. (Is it any coincidence that the sixties, the decade of family dissolution, launched the psychotherapy boom?) Our urban public schools now spend an estimated fifth of their time inculcating values, offering birth control advice, conducting dental screenings, and performing other services *in loco parentis*, and most of us don't think twice about it. After all, we say knowingly, the kids probably don't get that stuff at home.

As conservatives are eager to note, government policies tend to reinforce a subtle antifamily tilt. When a resident of D.C. public housing wants to take in a son or daughter in crisis—even for a week—the parent is forced to break public housing law and risk his own tenancy to do it. It may be better for a poor 19-year-old saddled with two kids to move in with her mother, but she may risk her welfare check if she does.

It's not just the beggared who feel the push. A middle-class mom can get a nice write-off by sending her three-year-old to the Kindercare Center on K Street in the District, but not to grandpa's house in the suburbs. If grandpa gets sick, she can count on Medicare to put him up in a bleak $2,000-a-month "skilled nursing" institution. But if *she* wants to take him in, she'll find the government much less helpful with the bills.

In the past few years, many academics have recognized that supportive families are crucial to improving the educational and occupational achievement of low-income youth; there has even been some anger directed at government policies that work against familial intervention. Yet as some of us prescribe family as an anodyne for poverty, it's medicine we don't take ourselves. The affluent and well-educated are far less likely to take adult children, grandchildren, and elderly parents into their homes.

Children of the norm

Buffeted as we are by cultural and government biases, it's easy to forget that families aren't nearly as powerful a cultural force as they used to be, especially on the young. For proof, pick up a *Newsweek* and find the article on the overweening influence of rap music/drugs/MTV/Air Jordans on kids. As youth culture grows increasingly differentiated, young people —like their parents—are less identified with their families than they were a few decades ago, no matter where their beds are.

Consider two of the major causes of that differentiation: In the eighties, more young people went to college and more went to work than ever before. While the first phenomenon prolonged dependence on family resources, school also provided increasing social independence. Colleges, with coed bathrooms, campus bars, and lesbian caucuses, no longer try to recreate the mores of the average middle-American home. Second, as more young people work, they're influenced by the corporate ethic, too. And now consider a third cause: the preponderance of working

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moms who simply don't have time to obsessively mold their Muffies.

So fear of the family's all-powerful influence is not entirely rational these days. But our anxiety about it confirms our inflexible, all-or-nothing view of family life. Might there be a healthy middle ground between killing your mother and suckling forever? To find it, you'd have to set aside the codependence literature and look overseas, to the not-particularly-pansyish Europeans.

A few decades back, Northern European census-takers, in search of a way to categorize cohabitating lovers, came up with the term "consensual union." Perhaps the term is also a useful way to think about broader living arrangements in other European societies, some of which reflect a more nuanced, less paranoid mindset about the family. While the French claimed "Il faut tuer son pere" long before Freud came along, Parisians—and the Spanish, Italians, Greeks, and Russians—keep living at home longer than their American counterparts, without much angst at all. The easy answers for that phenomenon are a lack of space and the high cost of housing, but research suggests it's not so simple. While independent living in the U.S. strongly correlates with money—the more you have, the faster you leave—the correlation is not so neat in other cultures. Perhaps what really keeps people at home in some other countries is a greater recognition of the benefits of family life.

When French grandparents were polled a few years ago about what they wished to devote their retirement to, the answer most frequently given was "to help the children." They mean it. One third of infants are looked after by grandparents while their parents work; one half of children spend their annual holidays with their grandparents. Perhaps most astoundingly, a full 50 percent of French people live within 20 miles of their parents. While since 1960 the frequency of Americans' contact with their elderly parents has dropped dramatically, modernization and urbanization have not killed off the French idea of the clan. Instead, argues Theodore Selder in his examination of French social structure, "The car, the telephone, and early retirement have reinforced it."

The balance is not perfect—there, as here, parents give more than they get—but crucial to the clan mentality is the sense that the young will eventually pay their parents back. While our idea of a boomeranging child is an unemployed 29-year-old watching *Taxi Driver* over and over on the VCR, Europeans tend to be more mindful that their return marks the beginning of a filial obligation—caring for their younger siblings, cooking meals, and eventually taking in their parents.

Turin native Federico Brigatti, a 20-year-old junior at Boston University, is not exactly old-fashioned; he's an advertising major notable for his chain-smoking and natty suits. But the idea of moving back in with the folks after completing an education seems perfectly natural—even practical—to him and his friends. "Europeans get a much better start on life that way," he says. And besides, in the long run, fair's fair. Almost everyone he knows back home has a grandparent in the house or in a flat down the street. "The only reason people are institutionalized is when there are medical problems the family can't take care of."

Brigatti overstates: Children today are not the inoculation against institutionalization they once were, in any industrialized country. But as America's aging parents obsess about saving for retirement, rightly doubtful that their kids will take them in when they need it, far more Europeans nonchalantly take in their old folks. Similarly, in Russia, only 83,000 people live in nursing homes, compared to 4 million in the U.S. And even in Japan, a country so childcentric that 75-year-olds sometimes stand on mass transit so that *kids* can have seats, two thirds of the elderly live with their offspring. When relatives are in trouble, it's the family, not the state, that tends to spring into action. Less than 1 percent of all Japanese receive any sort of welfare.

A sense of shared enterprise also mitigates against the generational politics that plague America. Alarmed by projections that pension costs would consume up to half of workers' earnings by the early 21st century, the Japanese government mounted a reform effort in the eighties to lower pension benefits over the next two decades. It passed—hard as it may be for Americans to believe—without protest.

Families that gray together

The signal difference between these other cultures and ours isn't that they have a surfeit of compassion or of infantilism. It's that those societies tend to view the parent-child commitment as a lifelong one: a continuum of sacrifice and repayment. America has seen that continuum before, but it seems to take economic stress to make us buy it. "The Rosary crusade had a slogan, 'The family that prays together stays together,'" recalls an old lady I know. "But in the Depression, we altered it: 'The family that *pays* together. . . .' "

It's too bad that economic crisis is the only effective engine, because when families hold back out of mere cultural reflex, the wasted potential—collective and individual—is enormous. To my family, that reflex was initially tempting when my brother fathered

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a child four years ago. He and the mother weren't married, and besides, he was paying child support. But to my mom and sister, there was a secondary reflex, too. Kyla, his daughter, doesn't make my mother's retirement more peaceful or simplify my sister's life; the four-year-old has a strong genetic predisposition for chasing cats, upending cookie sheets, and decorating walls. But in part because of the relationship—a relationship that released Kyla's mother to work extra hours, attend community college, and simply go for a swim once in a while—Kyla may have an easier life. My family certainly has a richer one.

Getting comfortable with close, unconventional family arrangements requires redefining our ideal of independent living. But perhaps it's not such a lousy idea, in an age of flimsy church and community connections, to foster family relationships that go beyond high school graduation into shared childcare or eldercare, shared planning for the lives of the young, and plain old shared conversation. Government can get the ball rolling by taking a cue from abroad, where they've long seen that it's cheaper and more effective to support family living than to try to supplant it. In Finland, grandparents who take care of kids have received a "childminder" subsidy for decades. In a dozen other countries, kids who take in their parents get one, too. And occasionally, even American governments stumble across the right approach. Last month, Washington, D.C.'s Office of Emergency Shelter Services announced it would attempt something fairly revolutionary in the realm of social services: When a person shows up requesting a slot at a homeless shelter, social workers will, for the first time, try to contact his family before warehousing him in a public shelter.

The motivation is not, of course, a revelation about the unrealized potential of families; it's municipal poverty. Still, like the boomerang kids, it's a small sign of hope for the nineties. If we're lucky, we can quarry some cultural virtue from the economic necessity that's throwing us together again. But first we've got to stop thinking like 16-year-olds about the non-negotiability of independence. □

The Washington Monthly JOURNALISM AWARD

FOR JANUARY 1992 IS PRESENTED TO:

Lisa Getter
The Miami Herald

If 27 firms bid to manage a $55-million airport bond issue, you'd figure only the top-ranked bidders would get the nod. Not in Dade County, Florida. Eight bidders were selected in 1990 to manage the municipal bond, but in addition to firms ranked first and fifth, the 11th, 13th, 20th, 24th, 26th, and 27th were all cut in. This is not a bureaucratic accident, Getter writes in her January 19–21 series, "Political Bonds: The Cost of Money." Instead, it's a system—perfectly legal—that allows politicians to have the final say in who wins lucrative contracts. And sure enough, the politicians charged with making the selections have been reaping huge campaign contributions from the eventual winners. Underwriters with "political ties," she writes, "are far more likely to earn large fees in bond deals than firms that are not connected."

John MacArthur
The New York Times

The tearful congressional testimony of a young Kuwaiti about Iraqi soldiers indiscriminately removing Kuwaiti infants from incubators provided some of the most powerful evidence of Saddam's human rights violations on the eve of the Gulf war. But *Harper's* publisher MacArthur, writing for the op-ed page on January 6, revealed that the testimony of the girl, who just happened to be the daughter of the Kuwaiti ambassador to the U.S., was engineered by the public relations firm Hill and Knowlton with the help of Reps. Tom Lantos and John Edward Porter. Evidence now suggests that the atrocity never happened—good to know, but a little too late for the Iraqis.

Steven Waldman
Newsweek

See Tilting at Windmills, page 8.

The Monthly Journalism Award is presented each month to the best newspaper, magazine, television, or radio story (or series of stories) on our political system. Nominations for any newspaper, magazine, or radio or television station in the country are welcome. The subject can be government in its federal, state, or municipal manifestation. Please send nominations to Monthly Journalism Award, 1611 Connecticut Ave. NW, Washington, D.C. 20009. Two copies of the article or broadcast text should accompany the nomination.

Nominations for stories published or aired in April will close May 15. The winner will be announced in the July/August issue.

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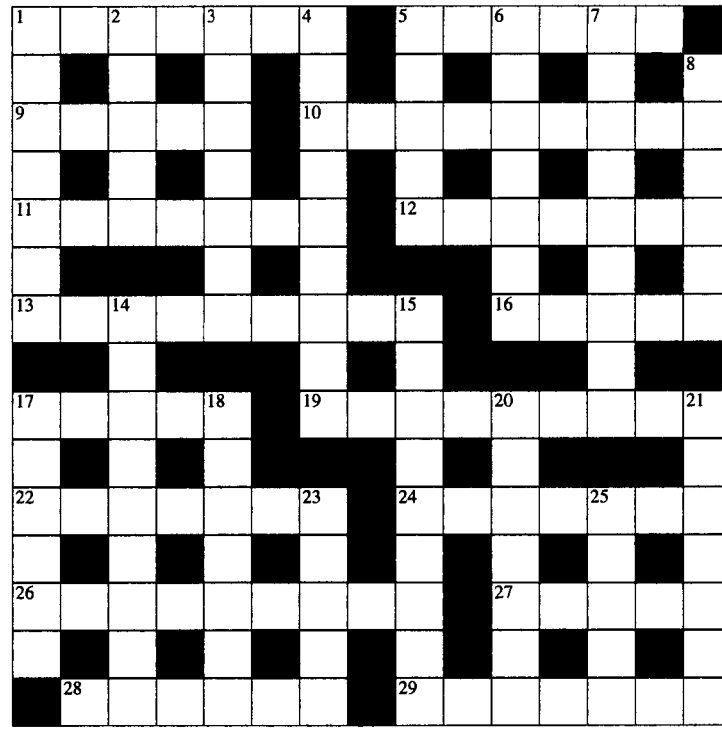
POLITICAL PUZZLE

by John Barclay

The numbers indicate the number of letters and words, e.g. (2,3) means a two-letter word followed by a three-letter word. Groups of letters, e.g. USA, are treated as one word.



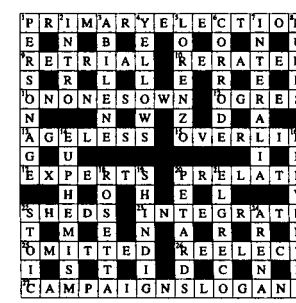
ACROSS

1. Something fuzzy in study for this candidate. (7)
5. Listen to the elected candidate. (6)
9. Sear this candidate. (5)
10. Wind blows back to the first in March for powerful woman. (9)
11. Ruby ran around Sam in the house some time ago. (7)
12. Take in criminals before the queen for a cocktail. (7)
13. Sadist puts people between two big rocks. (9)
16. Make new demands extra deviously. (5)
17. John and Paul, for example, people's choices after train leaves. (5)
19. Lowly estate indeed. (9)
22. Storied kind of bosses. (7)
24. Tune she played to display favorable reaction forcefully. (7)
26. Adapt ten altars in new setting. (9)
27. Disturbance one is disturbed by. (5)
28. Legend about to make a mistake for this candidate. (6)
29. This candidate sat back about trivial price. (7)

DOWN

1. Night club nude covered only by feline. (7)
2. Forbidden import from league outside of Oregon. (5)
3. Set up routes around North End for haircut. (7)
4. Mention ad display chosen. (9)
5. Does not favor as the solution. (5)
6. Mountain with more precipitation? (7)
7. Wild tiger's air and waters. (9)
8. Part of body is tool of God, we hear. (6)
14. To produce same effect place tire in another position. (9)
15. What congressmen should do about gift? (9)
17. Try pet trick moderately. (6)
18. Advertiser made pro's son shape up. (7)
20. Somehow at one it can be made to pass limit. (3, 4)
21. Those following limits set ride carefully. (7)
23. Fish gymnasium is not quite legitimate. (5)
25. Based on guns slung around Western Idaho. (5)

Answers to last month's puzzle:



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TIDBITS & OUTRAGES

"IF THAT HEADLESS WOMAN KIDNAPPED BY ALIENS SO MUCH AS BREATHES THE WORD LAWSUIT, WE'LL BURY HER IN SUBPOENAS."
According to the *Los Angeles Times*, every Sunday night a team of lawyers from the prestigious Washington law firm Williams & Connally flies to the Florida headquarters of *The National Enquirer* and reads every word of the upcoming issue.

UPON LIBERATING THE PHILIPPINES FROM THE JAPANESE, A SENIOR MILITARY OFFICER SAID, "NO COMMENT."

TACKLING THE TOUGH ISSUES I
The San Francisco *Chronicle* recently revealed that the highest-paid public official in California is the coach of UCLA's football team, Terry Donahue.

TACKLING THE TOUGH ISSUES II
Faced with the nation's highest murder rate and a budget deficit of several hundred million dollars, the Washington, D.C., city council recently spent three hours considering a ban on dogs that have wolf blood.

*** * MEDIA ALERT * ***

General Schwarzkopf's contract (appropriate excerpts attached) PROHIBITS media coverage of his remarks. It also prohibits the taking of photos while he is speaking.

Trade media will not be able to ask questions following the General's remarks.

Anyone who does not honor these requests will be asked to leave.

"COULDN'T PUT IT DOWN"—JIM BAKKER
"BEST BOOK I'VE READ IN YEARS"—DENNIS LEVINE
"XEROXED IT!"—MICHAEL MILKEN
A junior at Rutgers University, Michael Moore, has recently written a book titled *Cheating 101: The Benefits and Fundamentals of Earning the Easy A.*

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Paradigm Glossed

Reinventing Government's *on the right track, but its prescriptions aren't always realistic*

by Paul Glastris

In 1978, the city of Phoenix began contracting its garbage collection out in phases to private companies. This "privatization" policy—radical at the time but more and more common today—has been hailed by the right as an illustration of the superiority of the free market and as a way to shrink the one thing conservatives despise above all else: government bureaucracies.

But a funny thing happened in Phoenix: The bureaucracy didn't wither away, it got stronger. At first, the city's sleepy public works department tried to bid for the trash business but lost section after section of its territory to the lower-cost contractors. So the department went on a self-improvement binge. It created labor-management quality circles. It let drivers redesign their routes and work schedules and gave bonuses to employees who suggested other ways to improve efficiency. And it replaced trucks requiring two-man crews with new vehicles a single worker can operate. Soon the department's costs were lower than the private sector's. By 1988 it had won back in competitive bidding all the territory it had lost.

Phoenix's trash tale is one of hundreds of government success stories in this ambitious and long-awaited book.* Journalist David Osborne and former city manager Ted Gaebler argue that a revolutionary restructuring of the public sector is under way—an "American Perestroika." Like the Soviet version, they say, this one is being driven largely by politicians and bureaucrats who, under extreme fiscal pressure, are applying market forces to monopolistic government enterprises. The difference is that in the U.S., market forces are not destroying state power. They are enhancing it.

Paul Glastris is the Midwest correspondent for U.S. News and World Report *and a contributing editor of* The Washington Monthly.

**Reinventing Government.* David Osborne, Ted Gaebler. *Addison-Wesley, $22.95.*

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This message, with its promise of fulfilling the public's seemingly impossible demand for more government activism without more taxes, has proven enormously appealing to members of the policymaking class in both parties. Osborne has been a consultant to Democratic Governor Lawton Chiles of Florida and to Republican Governor William Weld of Massachusetts. He is a charter member of the "New Paradigm Society" in Washington, a loose group of policy intellectuals that includes Bush aide James Pinkerton. And he is one of several liberal New Paradigmers advising Bill Clinton. (No surprise, then, that in his speeches on the campaign trail Clinton occasionally slips in a line about the need to "reinvent government.")

Like reformers everywhere, Osborne and Gaebler sometimes push their ideas past their natural limits. Too often, they portray policies that fit their theory but that are also open to serious criticism—school choice, tenant ownership of public housing—as if they were proven solutions. Their prose style tends to be promotional when it should be measured, which leaves even a sympathetic reader wondering what land mines lie hidden on the path the authors are suggesting. One that immediately strikes me, as I read about aggressive, creative civil servants transforming their organizations, is the authors' seeming innocence about the quality of most of today's government employees—which is marginal. While there are some bright, vital individuals in every agency, there are plenty who have no wish to be creative except when decorating their offices.

But on balance, Osborne and Gaebler have tried diligently to subject their ideas to the test of reality. They have read mounds of academic case studies, visited scores of agencies, and talked to countless bureaucrats. They have assured themselves a future place in the Wonk Hall of Fame. *Reinventing Government* is mostly convincing precisely because the authors have not let standard ideology cloud their view of how government works, at its worst and at its best.

Rethinking shrinking

The authors have distilled their ideas into 10 jargony principles that, taken together, amount to what they call a "New Paradigm" for the collective action of democracies. Actually, elements of the paradigm will be familiar to longtime *Monthly* readers. They include scrapping civil service rules to make bureaucracies more "mission-driven"; rewriting government accounting standards to force lawmakers to be more "anticipatory"; making government programs "results-oriented" by toughening evaluations; and tapping the spirit of volunteerism. But where this magazine has focused, naturally, on Washington, Osborne and Gaebler fanned out to state and local bureaucracies, where most of the policy action was in the eighties. Their book is richer for it.

The authors also build on the work of the handful of political scientists who have studied bureaucratic reform efforts, especially that of James Q. Wilson, whose 1989 book *Bureaucracy* laid out key elements of the paradigm. But where Wilson is a neoconservative skeptic—the concluding section of *Bureaucracy* is entitled "A Few Modest Suggestions that May Make a Small Difference"—Osborne and Gaebler are messianic. Readers who haven't lost their faith in government will find their optimism infectious.

The biggest influence on their thinking, however, comes not from government but from management gurus like Thomas Peters, Edward Deming, and especially Peter Drucker. These writers recognize that corporations suffer from bureaucratic rigidities just like governments, and that the structures of both are rooted in bygone eras. Too many corporations still bear the stamp of the Industrial Age, relying on strict work rules and centralized command to eliminate "human error" in the mass-production of uniform products. Likewise, most government agencies are bound by civil service rules and other Progressive era reforms designed to control costs, eliminate patronage, and ensure uniform (i.e., fair) service to the public.

Such tight hierarchical control made some sense 50 or 75 years ago, when only upper-level managers had access to enough information to coordinate an agency's activities. But the spread of computers and information technologies, say the authors, has given today's better-educated line employees the ability to coordinate themselves. Organizations run under the command model, they say, are too inflexible to meet the fast-changing demands of contemporary voters and customers, who tolerate neither drab, sluggish cars nor long waits in line at the department of motor vehicles.

Suffering the same rigidities, government and business must transform themselves in essentially the same way: by flattening hierarchies, decentralizing decisionmaking, pursuing productivity-enhancing technologies, and stressing quality and customer satisfaction. This is a very different message from that of corporate dilettantes like Peter Grace who are forever admonishing government to act "more like a business." Such advice normally leads to "cost controls" that bind bureaucracies with even more red tape.

Occasionally a government agency can be transformed with a few savvy adjustments of the organi-

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zational structure. When General W.L. Creech took over the Air Force Tactical Air Command (TAC) in 1978, only 58 percent of its fighter jets were mission capable at any one time. Over the next six years Creech boosted that readiness figure to 85 percent, at no additional cost. He did it largely by assigning mechanics—who had previously worked out of centralized pools—to individual squadrons in order to cut paperwork and build team cohesion. He even had the names of lead mechanics stenciled next to those of the pilots on the nose of each aircraft.

But because governments aren't like businesses, simple management changes are seldom enough. You have to alter the incentives within government that make bureaucrats behave as they do. For example, government managers seldom seek out ways of doing their jobs more efficiently because the traditional budget process punishes them for their trouble. If they don't spend what they've been allocated this year, they open themselves to big cuts next year, when appropriations committee members say, "Well, you didn't even need what we gave you last time, so. . . ." (The internal pressure to "use it or lose it" leads to one of the *Monthly*'s favorite bureaucratic perversions: The End-of-the-Year Spending Spree.)

With this book, Osborne and Gaebler have assured themselves a future place in the Wonk Hall of Fame.

To reverse this incentive, a few municipalities allow agencies to keep all or part of any money they save—money that can be used for anything from boosting salaries for high-performers to increasing other services. Towns such as Fairfield, California, adopted this policy in 1978, in the wake of Proposition 13. A decade later, Fairfield was running budget surpluses while other California towns were crying poverty. Fairfield bureaucrats now see money-saving opportunities they might not have noticed. For instance, an architect gave the Fairfield police department a $13,000 plan to build a rain cover over the pump where department vehicles are gassed up. "We thought that was outrageous," says the police chief. "So somebody said, 'What about these bus stop covers—the glass-enclosed ones?' We checked, and they cost $2,500. We put one of those up, and it works fine."

When governments let agencies keep at least part of what they save, bureaucrats can learn to "earn rather than spend." They boost user fees on public golf courses and marinas so that the golfers and yacht owners cover the costs of those services. They bill motorists who knock down city-owned trees. The idea of governments making money puts some people off. Not Osborne and Gaebler. Only by seeking new sources of revenue, they say, can governments fulfill their new public mandate of increased services without increased taxes.

Indeed, for all their admiration of privatization, the authors happily applaud the opposite: governments that take over profit-making enterprises to accomplish public goals. My favorite example is Visalia, California, which bought an about-to-be-moved minor league baseball franchise, made money running the team for six years, then sold it at a profit to new local owners.

Of course, one can imagine all kinds of mischief that bureaucracies with this much autonomy might cause. The way for the public, through its elected officials, to keep a grip on bureaucratic action without stifling agency creativity is to substitute "performance measures" for most rules and regulations, they say. Traditional governments focus on "inputs" (how many cops should we hire?) rather than "outcomes" (are additional cops lowering the crime rates?). Outcome or performance measures help bureaucrats and elected officials get a handle on their goals and effectiveness.

Ideally, politicians would base budgeting decisions on performance, the better to create incentives to perform. But the mere act of measuring results is sometimes enough to change behavior. After Massachusetts' welfare department began publishing the paperwork error rates of each office, the statewide rate dropped by half. Then it started publishing error rates of individual supervisors. Mistakes dropped another 25 percent. Government can also do a great service by measuring the performance of the private sector. Airlines became far more punctual after Washington started publishing comparative on-time records.

There are plenty of dangers to performance measurements, however. When teachers are forced to give standardized tests, they often "teach to the test." When J. Edgar Hoover pressured his FBI to catch more fugitives, agents began pursuing easy-to-locate military deserters rather than dangerous, hard-to-find criminals. But that's no excuse to give up on performance measures, say the authors. Better to develop more and better measures, a task made infinitely easier by the computer revolution.

A case in point is Sunnyvale, California, a computer-happy municipality located in the heart of Sili-

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con Valley. Sunnyvale bureaucrats measure everything from "the percentage of participants in a recreation program who rank it as 'good' or above" to "the percentage of trees needing replacement that are replaced within two months." Armed with thousands of such performance statistics, members of the Sunnyvale city council no longer debate operational details such as what kind of tree-trimming trucks to buy or how many park employees to hire. "Our council does not know how many people work for the city, nor do they really care," says Sunnyvale City Manager Tom Lewcock:

> The essential thing the council does is set policy: what level of service, how many units are going to be produced, and at what unit cost. What they have done is given us the freedom over the management of city affairs, in return for them getting true policy control.

The results-oriented approach can help break another legacy of the Progressive era: the belief that all public functions must be carried out by civil servants. Again, the authors argue, this notion made sense 80 years ago, when local bosses routinely funnelled contracts to their patrons and friends, indifferent to whether those cronies would actually deliver any public goods. The need for more control over how government money was being spent led reformers to place more and more public tasks inside government bureaucracies.

Osborne and Gaebler are well aware that plenty of bad contracting is still going on. But they argue that better technologies and techniques for monitoring contract performance are now available. With good performance measures and enough bidders (including, as in Phoenix, the government's own agencies) to keep prices competitive, government managers can more safely farm work out.

Not all work, of course. It makes no sense to privatize, say, diplomacy—as Oliver North demonstrated. But routine tasks like street sweeping and check processing, where efficiency and effectiveness can be readily quantified, are good candidates for privatization. So too are human services (drug rehab, low-income housing construction) at which the nonprofit sector excels.

Bum steer

The authors see privatization not as a way to reduce government influence, but to "leverage" it. By doing less "rowing" (delivering services), government managers can do a better job of "steering" (setting policy goals, picking service providers, monitoring their performance). Steering also means creatively restructuring the marketplace, using everything from tax codes and regulations to public-private partnerships. Scottsdale, Arizona, saves money through "incentive zoning": Developers who build their own infrastructure are given permission to erect taller buildings.

Try to apply these state and local reforms to the federal government and you run into a curious difficulty: Washington is already structured to a great extent on New Paradigm lines. Most federal agencies don't supply services directly to citizens. They use taxes, regulations, and grants to "steer" third parties —individuals, state and local governments, private and nonprofit organizations. The authors admit this, but they fail to mention that such "steering" operations have produced some of government's greatest disasters.

Consider the savings and loan system. Private sector institutions (S&Ls) provide the service (processing mortgage loans), while government limits its role to structuring the marketplace (with deposit insurance) and monitoring contractor performance (with S&L examiners). That this definitively Osbornean system eventually collapsed is not necessarily an argument against governments that steer rather than row—having civil servants running S&Ls would hardly be an improvement. The point is that the authors' reforms are not quite as revolutionary or trouble-free as they sometimes present them to be.

For men who put such stock in measuring performance, Osborne and Gaebler are quick to explain away troublesome aspects of programs that happen to fit their paradigm. They zealously embrace public school choice, for instance, characterizing skeptics as unimaginative nostalgics. Choice, they say, breaks the monopoly of public education by letting parents send their kids, and their tax dollars, to any existing public school—or to any experimental school teachers wish to start. By making schools "consumer-driven," the authors assert, choice produces better-educated students.

In fact, there is no solid proof that choice programs improve student achievement. For "proof" the authors rely heavily on the theory- and statistics-driven work of John E. Chubb and Terry M. Moe, who never studied the kind of public school choice programs Osborne and Gaebler have in mind. The few programs that come closest to their ideal are either too new to judge or were put in place by the kind of autocratic administrators from whom, under choice, schools are supposed to be set free.

Osborne and Gaebler do try to address some of the criticisms that have been heaped on choice, but they fail to blunt the toughest ones. Choice won't create incentives for schools to improve their academics, for

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instance, if parents choose schools because they are conveniently located or have fine sports programs. Yet "all the evidence from existing choice programs suggests that academic excellence is seldom what parents chiefly value in a school," writes education analyst Abigail Thernstrom in *The Public Interest*. The idea that parents might not insist on the best possible education for their children strikes most people—especially choice advocates—as patronizing. But the same assumption is behind compulsory education statutes, which only crank libertarians would abolish. One of the virtues of public education is that it forces kids whose families don't stress education, or who are simply not bright, into classes with the smart kids from academic-minded homes. I'm not sure which kind of kid learns more from the other, but the lessons stick with you the rest of your life. How much of this intellect-mixing would survive under choice is hard to say.

The authors worry about diversity, too. They oppose voucher programs for private schools, fearing vouchers would lead to further income and race segregation. Yet it's entirely possible that public school choice will decrease diversity if, as would be natural, parents put their children in schools with other children of their own class and race. Try to restrict such "wrong" choices, as the Cambridge, Massachusetts school district does, and you weaken the very instrument that is supposed to discipline the system. All this is not to say that school choice can't work or shouldn't be experimented with, only that it is far from the sure bet Osborne and Gaebler tout it as.

The same can be said for another of their favorite reforms: tenant ownership of public housing. Here again, the idea fits a key paradigm principle—the need to "empower" communities rather than "serving" them into dependence. To the now-common charge that the few tenant-management/ownership success stories have behind them women of rare energy and intelligence—women such as Kimi Gray in Washington, D.C., and Bertha Gilkey in St. Louis—the authors respond: "Why not create more opportunities in poor communities and see how many leaders emerge?"

Well, fine, let's try. But that's a long way from saying, as the authors do, that "empowerment" programs are the best way to help the poor. It's worth pointing out that the tenants most capable of leading such efforts are also the most likely to leave public housing for greener pastures. And it's worth considering the possibility that the billions required to "sell" public housing to tenants might be better spent creating more low-income housing, or making existing buildings secure, as Vince Lane has done at the Chicago Housing Authority.

That said, Washington would do well to adopt some New Paradigm ideas, especially those aimed at making bureaucracies function better—as opposed to eliminating bureaucracies entirely. Some of the book's best examples, like General Creech's restructuring of TAC, come from the Defense Department. Not coincidentally, DOD is the one arm of federal government that has received a steady flow of resources and support from the White House over the last 12 years. It makes you wonder what might be accomplished by an administration that cared as much about the rest of government.

Government at all levels could probably do more with less—and do it better—by privatizing aggressively and carefully as the book suggests. But the authors soft-pedal the pain this will cause, especially to the black middle class, which depends heavily on government jobs. Perhaps the pain can be minimized by letting attrition reduce employment and requiring contractors to hire ex-civil servants. But government agencies today are generally so overstaffed that some permanent layoffs will probably be inevitable. And then there is the dilemma of civil servant quality. Osborne and Gaebler could argue that jobs in a reinvented government will be so interesting that ambitious people will once again flock to the public sector. I'm just not sure it's possible to transform the public sector without having more dynamic people to start with.

There's currently a push on Capitol Hill and in OMB to subject all federal agencies to tighter performance measures, in return for less "micromanagement" from Congress. This strikes me as a great idea. But some congressional meddling can be a good thing. Congress did more than any recent administration to reform the Pentagon with the Goldwater-Nichols Act, which eliminated the high command's crippling interservice rivalries.

Osborne and Gaebler are certainly right that governance need not always involve civil servants. Then again, there is no great virtue in overreliance on the private sector, a fact that the book and Osborne's own experience make clear. As a consultant to Lawton Chiles, Osborne agreed to be paid by specially raised private funds. Unfortunately, the governor ran into trouble getting the money together. So he turned not to the small donors who funded his campaign but to several wealthy Florida executives. *The Orlando Sentinel* picked up on this—"Study Attracts Big Bucks, Big Interests" ran the headline—giving the impression that Osborne's work was somehow compromised. Things would have worked better had Chiles paid Osborne the old fashioned way, by appropriating tax dollars. That is, after all, what the money is there for. □

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Lie in the Sky

How Edward Teller sold America on Star Wars

by James Fallows

This is a very good book* with a small skeleton in its closet. Let's do justice to its merits first.

William Broad, a well-known science correspondent for *The New York Times*, has covered the political, technical, and military implications of the Star Wars program almost since the day Ronald Reagan proposed it in 1983. The evangelical steam has now gone out of Star Wars, with the departure first of Reagan from the White House and then of the Soviet Union from the family of nations. But the Star Wars budget rolls on—some $4 billion will go into the program this year. That Star Wars ever came this far, Broad argues, is largely due to the efforts of one man—or maybe two, if you count Reagan himself. *Teller's War* presents a techno-political history of Star Wars through the intertwined narratives of one man and one invention.

The man is of course Edward Teller, the crazy-genius Hungarian refugee who in the late forties played a crucial role in developing the American hydrogen bomb. In the early eighties, Teller again made a crucial difference, Broad says, by legitimizing Reagan's strategic defense proposals both inside and outside the government.

On the inside, Teller was able to tell Reagan that the project the president had long dreamed of—building a perfect shield against incoming warheads, which would make nuclear weapons "impotent and obsolete"—was not just a dream but could in fact be attained. Reagan's yearning for a perfect shield was obviously not the result of his own careful, Jimmy Carter-like study of ballistic technology. It reflected what was simultaneously the best and worst about Reagan: his tendency to latch onto big, appealing ideas without getting bogged down in the details. Like many nuclear-freeze and ban-the-bomb protesters, Reagan seemed to view the doctrine of nuclear deterrence as basically immoral: Some day it was bound to break down, and at that point everyone would die. A few years before he became president, Reagan gave a speech in which he proclaimed, "For the first time ever, everything is in place for the battle of Armageddon and the second coming of Christ." A nuclear shield would provide a way out of this depressing dilemma (at least from America's perspective, although it would presumably leave the Soviet Union utterly exposed to nuclear attack), but only if it could actually be built.

It made a huge difference, therefore, to have one of the world's most famous physicists on hand to say, "Yes, Mr. President. No problem. It can be done." In fulfilling this role, Teller became the defense counterpart of the supply-side economic advisers who were telling Reagan at just the same time, "Yes, Mr. President. No problem. You can cut taxes and not cut spending, and the deficit will take care of itself." (These two camps of yes-men will have a lot to answer for in the history books.)

Outside government, in the prolonged PR battle over the feasibility of Star Wars, Teller's role was also crucial. Politicians and scientists knew that he was not politically neutral. Thirty years earlier, Teller had been the most prominent scientist to side against J. Robert Oppenheimer when Oppenheimer was accused of disloyalty. In the pre-Reagan years, Teller had given long, doom-laden speeches about the inevitable Soviet triumph—unless the West was rescued by "several miracles." In 1981, he began to say that one of the necessary miracles had occurred: the election of Ronald Reagan.

Broad says that if Teller's background had been more fully known, the press and politicians might have been even more skeptical of his biases, because at several points in the preceding decades he had exaggerated the performance and scientific merit of weapons he wanted Congress to approve. But it probably would not have made a difference. No matter how suspicious Teller's opponents might have been of his motives, it was simply impossible to debate with him on equal terms. He stood before any audience as a celebrated if controversial genius. Many critics of Star Wars, in Congress and in the press, weren't really sure of the difference between a quantum level and a quark. If Teller said that new discov-

James Fallows is the Washington editor of The Atlantic *and a contributing editor of* The Washington Monthly.

* *Teller's War: The Top-Secret Story Behind the Star Wars Deception.* William Broad. *Simon and Schuster, $25.*

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eries really would make Star Wars feasible, people were bound to give his views weight.

Star whores

The invention whose history Broad tells in this book is the x-ray laser, a very different device from what most laymen would infer from the name. Its active ingredient, so to speak, is a nuclear bomb; the laser beam is merely a side effect of the nuclear explosion. (Broad says that laymen weren't the only ones confused on this point; when Caspar Weinberger was on his way to Capitol Hill to tell Congress that the x-ray laser was indispensable, he kept asking a technical expert, "But it isn't a bomb, is it?") Strapped next to the bomb is a bundle of very thin metal tubes, each several feet long. The bomb goes off. In the fleeting instants before its heat and shock waves vaporize the whole assemblage, radiation from the explosion is expressed as a focused x-ray beam channeled through the tubes. If all the engineering details have been worked out correctly, this beam can, in principle, travel across long distances and blast holes in enemy satellites or missiles. With the proper aiming system, it could shoot down enemy missiles before they got anywhere near their targets in the United States.

Teller spent much of the eighties asking for money for this project because, as he insisted over and over, tests showed that it would work. But by the end of the eighties, Broad says, it had become obvious to everyone that the x-ray laser would not work within the foreseeable future. By implication, it became obvious (and Broad dug out the documents to prove it) that Teller had deliberately misled Reagan, Weinberger, and the world about the feasibility of the x-ray laser.

Broad is very good at presenting complex technical matters clearly, and also at putting his material together as a narrative. The two main dramatic elements of the story—Teller's struggle to sell Star Wars and the scientific struggle to make a workable x-ray laser—complement each other throughout the book.

The scientific problems were, in a loose sense, comparable to those involved in perfecting a solar-powered car. The underlying scientific principle—which was obviously much more complex in the case of the x-ray laser—had been established. Brilliant and quirky young researchers, most of whom had come to the Lawrence Livermore laboratories under Teller's patronage, had determined that some amount of x-ray laser response could be produced under the right conditions. (To spell out the solar car comparison: Scientists long ago concluded that sunlight would produce some electric power from photovoltaic cells. The challenge is to get enough power to run the car at a reasonable speed for a reasonable price.) The challenge for the x-ray laser also concerned "enough-ness"—whether the beams would be strong enough to destroy their targets, controllable enough to be aimed, and reliable enough to bet the nation's future on.

One big barrier on this road from "some" to "enough" was the nuclear testing system itself. Every time the scientists wanted to test a new hypothesis about x-ray lasers, or even check out a new engineering idea, they had to set off an atomic explosion. This they did in the underground test chambers outside Las Vegas, but the process was cumbersome and expensive. Researchers would dig a tunnel several thousand feet into the ground, put a bomb with its attached laser-generating rods at the bottom, lower some sensing equipment next to the bomb, run wires up from the sensors to the surface, fill in the hole—and then BOOM! Up at the surface, they would measure the few readings the sensors could send out before the equipment was obliterated. Then it was many months and many millions of dollars until the next test could be run.

At the same time, the Star Wars planners had to conceive of a "pop-up" system that would get the laser-producing bombs into orbit as soon as a Soviet attack was detected. The x-ray lasers could not patrol permanently in orbit, because then they could, in theory, be wiped out by the Soviets as part of a surprise attack. The "pop-up" process would require very sophisticated sensing, launching, and aiming systems—and virtually unlimited amounts of money. In pushing his x-ray laser plans, Teller had to work against the limits of the "Nitze Criterion." This was a rule of thumb, devised by the venerable arms expert Paul Nitze, which held that before the United States invested in a strategic defense system, we had to be sure that the system would be cheaper than the extra weapons it would take the Soviets to overwhelm it. That is, defense had to be inherently cheaper than offense. Otherwise, a costly system would just push the Soviets to add more warheads, leaving everyone worse off.

There was yet another complication for x-ray lasers. If they didn't work at all, they would obviously be useless. But if they worked too well—if it were too easy for the Soviets to figure out how to use them—then they would ultimately be useless too. X-ray laser beams can travel indefinitely through the vacuum of space, but they weaken quickly when traveling through the earth's atmosphere. This means that the lasers are inherently better at shooting up, from the atmosphere toward targets in space, than they are at shooting down, from space to targets that are still in

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the atmosphere. (On the way up, the resistance is greatest when the beam is strongest and most focused, and the farther the beam goes the less resistance it meets. On the way down, the resistance gets worse and worse.) This physical fact meant that, if both sides developed x-ray lasers, the advantage would swing to the one planning the surprise attack. In order to succeed, it would have only to shoot up and disable the other's defensive equipment in space. The defender would have to shoot down, through the increasingly dense atmosphere, to intercept missiles on the rise.

In deciding whether to go with the x-ray laser, therefore, the government had to resolve several questions: whether it would work at all, how much it would cost if it did work, and how long the Soviets would take to develop their own version. By the end of the decade, the first question had been resolved negatively and the other two rendered moot (as Broad demonstrates in his clear and engrossing way). The x-ray laser would not work, at least not within a reasonable time and at reasonable cost.

But—and this is the main political point of Broad's book—that decision took more time and much, much more money than it should have, mainly because of Teller. On the basis of extensive interviews, declassified documents, and official reports, Broad substantiates the charge he makes on the book's first page, that Teller deliberately overstated how well the x-ray laser was doing:

> Over the protests of colleagues, Teller misled the highest officials of the United States government on a critical issue of national security, paving the way for a multibillion-dollar deception in which a dream of peace concealed the most dangerous military program of all time.

This program was "most dangerous," Broad argues, because the Soviets were so terrified of it. They, like Reagan, basically believed that it would work. If it seemed likely to succeed, and if they had not developed an offsetting x-ray laser of their own, then they might feel naked and exposed, and be tempted to act preemptively to defend themselves. The "most dangerous" claim seems a little pumped up, especially since Broad spends the rest of the book arguing that the pop-up x-ray laser never had a chance of succeeding. The Soviets might be chronically fearful of American technology, but presumably they would know enough about the project to realize it was nowhere near deployment. Still, Broad has no trouble proving that it was a bad idea.

Teller wanted to be what the public thought he was: the solitary hero. So when he became powerful and famous enough to set his own terms, he removed himself from exactly the peer criticism he needed to accomplish his best work.

Broad explains not only the technology behind these struggles, but the politics and sociology as well. There is an endless background theme of bureaucratic rivalry, especially between Teller's Livermore labs and Los Alamos, which was fighting for the same research money and was skeptical of the x-ray laser from the start. The book includes a wonderful vignette of Los Alamos scientists whooping with glee when they run an independent test of the x-ray laser and find that it is much weaker than Teller has been claiming. (In one test, the laser beam was only one tenth as bright as Teller's team had been expecting. "It was like the owner of a new car suddenly discovering that his engine produced 10 horsepower instead of the 100 advertised by the dealer.") There is ethical tension: Some of Teller's subordinates discover that he is cooking the information before presenting it to Reagan and the public, and they must consider whether to risk their careers by revealing the truth. There is the sociology of science, including a description of the funding network that is used to pick out promising young scientists and lure them to Livermore.

The most interesting part of this chronicle is Broad's analysis of why Teller, undoubtedly a brilliant man, became so intellectually dishonest. Teller's opponents in the Star Wars fight usually attributed his views to simple political bias, but Broad says there was a much deeper root in Teller's intellectual style.

Teller—like Einstein, Oppenheimer, or other great physicists—was perceived by the general public as a lone genius. But Broad says that he was one of the many scientists who depend on collaborators to criti-

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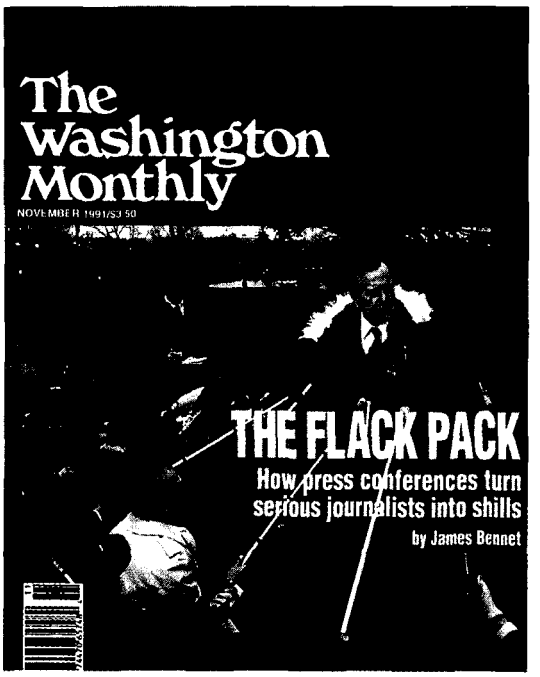
Common Sense



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cize, test, and react to their ideas. Teller was wonderfully creative and spewed out a nonstop stream of new ideas. But, Broad says, "His career was one long demonstration of the fact that his scientific gifts worked only in a social context":

> As with most science romantics, the vast majority of Teller's ideas were wrong. There is nothing terribly surprising about this. On the contrary, scientists far and wide recognize that being correct just five percent of the time in the field of theorizing can produce a dazzling career, if the insights are important. And Teller's often were.

Early in his career, Teller either wanted or couldn't avoid second-guessing by his colleagues. His scientific peers were capable of discarding the cockeyed majority of his ideas and working out the details of the few that indicated brilliant possibilities. But Teller was apparently vain about his reliance on collaborators. He wanted to be what the public thought he was: the solitary hero. When he became powerful and famous enough to set his own terms, he removed himself from exactly the peer criticism he needed to accomplish his best work. By the time of the x-ray laser, his ideas were "tested" mainly by an ignoramus president and a crew of scientists his grandchildren's age. The Livermore scientists were talented but had no franchise to challenge Teller, their patron, head on. Teller made himself comfortable with this arrangement, Broad argues, but discredited himself permanently.

Debate and switch

So far, so good. If the only thing you knew about Broad was that he had written this book, or that he'd won the Pulitzer prize for his science reporting, your sole reaction would be, well done. But there is a complication.

In 1985, Broad published a book called *Star Warriors*. To say that its subject is similar to that of *Teller's War* would be quite an understatement. The main characters, human and technological, are virtually identical. The same bright young scientists are wrestling with the same moral dilemmas and scientific mysteries. The same Edward Teller and his chief acolyte, Lowell Wood, are exhorting the youngsters in their same cluttered cubicles. Many of the same anecdotes and establishing details are used to bring the characters to life.

The main difference is like that in a Rashomon tale: the different moral shading given to the same set of events. *Star Warriors* was much more a descriptive than an analytic account, because Broad had the opportunity to spend a week at the Livermore labs. In structure, the book was like a long newspaper feature piece, with minute-by-minute accounts of how the characters talked and what they ate, used as a vehicle for general discussion of Star Wars, nuclear strategy, and the frontiers of physical research. The prevailing tone of the account was, if not exactly naive, innocent and upbeat. Such engaging and smart young men! Such promising new technologies! Broad wrote of x-ray lasers at the time:

> As the bomb at the core of an x-ray battle station exploded, multiple beams would flash out to strike multiple targets before the entire station consumed itself in a ball of nuclear fire. That is the vision. But many of the young scientists say their creations will actually bring about an era of unprecedented peace, because the world will know that the threat of nuclear attack from space has forever been laid to rest.

My complaint about Broad is not that he has changed his mind. On the contrary, it is much to his credit that he's stuck with the subject for so many years and that he is willing now to present a different view from what he understood several years ago. The problem is that he hasn't been completely forthcoming about what he has done. (My main conclusion about life is that nine tenths of its embarrassment and ten tenths of its mental strain come from the attempt to hide inconvenient facts. Bill Clinton understood the Gary Hart side of this principle when he and his wife held their famous meeting with reporters last year to disclose that their marriage had not been "perfect." But he didn't understand the Vietnam corollary: that one year ago, or 15, he should have said, "I was against the Vietnam war, and here are the things I'm proud of about my behavior, and here is what I feel bad about." Douglas Ginsburg lost his chance for the Supreme Court because he'd smoked marijuana. Learning from his example, Al Gore, Bruce Babbitt, and others preemptively disclosed that they'd done the same, so there was nothing left to be "revealed" in a campaign. Because of Clinton's experience, the next non-veteran who runs for president will presumably get his explanation out early.)

Broad briefly mentions the existence of the previous book in the current one, and his footnote section contains numerous "reference" notes to *Star Warriors* as the source of anecdotes recycled here. But Broad makes no serious attempt to disclose how much his perspective has changed, and at one point he even tries to conceal the difference. He refers to *Star Warriors* in a way that makes it sound as if it, too, had taken a wholly skeptical view of the x-ray laser project. He says that Lowell Wood, the Teller protégé who was a relentless cheerleader for the pro-

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ject, had hoped that *Star Warriors* would be a "glowing account." But, Broad now claims, *Star Warriors* "depicted him as a headstrong visionary making extravagant claims and his subordinates as far more candid about the x-ray laser's weaknesses." This, to put it mildly, is not the main impression I took from the book.

This attempt at repositioning is unworthy of the otherwise extremely admirable job Broad has done. It is also unnecessary—just like Bill Clinton's claims, before his letter to Colonel Holmes was released, that a lucky number in the lottery was all that had kept him out of Vietnam. Clinton could have said from the beginning what he said in his letter, and Broad could have added a few sentences, in the preface or epilogue to his book, explaining the journey he'd made in his effort to learn the truth. Future editions might include lines like these:

I've been interested in this story for a long time, and several years ago I wrote about these same characters and many of the same projects in a book called Star Warriors. *Since then, I have learned much more about the subject. What I have learned has made me change my mind about some things and to reach conclusions about other questions that were unresolved or unresolvable before. In order to tell this new story correctly, I have had to go over a lot of material that I have used before, this time with a different slant and perspective. Journalism is a continuing and inherently imperfect effort to make sense of the news of our time. My previous effort represented the best information available to me at that time. The story is now much closer to its conclusion, and in this book I present what I believe to be its true shape.* □

Company *Time*

It thought it was a cultural icon. But it's been a business all along.

by James Ledbetter

As if scripted by publicists for Richard Clurman's book*, the board of Time Warner in late February ousted its co-CEO, Nicholas J. Nicholas in what was widely described as a "coup." The awkward two-chief arrangement that had existed since the companies' 1989 merger finally gave way, and Warner mogul Steve Ross, even as he seemed to be dying of prostate cancer, had won again. By the time Nicholas left the company, he and Ross were no longer even speaking—a feud born, reportedly, of the vastly divergent styles that are described in Clurman's book.

In a gesture of excess that has come to characterize the company, Nicholas will receive somewhere between $24 and $45 million for the privilege of being booted out of the company. That decision prompted a lawsuit from four shareholders who claim, not at all unreasonably, that the payment "would constitute a gift and a waste of Time Warner's assets." A quote from Clurman, whose book details many such greedfests, became mandatory in everybody's account of the Nicholas debacle.

This was only the most recent example of publishing hype that Simon and Schuster couldn't possibly buy. The excerpt in January's *Vanity Fair* profiling Ross, for all its discussion of his mob-tinged past and obscene $100 million annual compensation, contained very little that hadn't already been published. But it managed to catch the tsunami of resentment rising against American executive perks, prompting tongues to clack in the microcosmos where such things matter—so much so that New York City Council president Andrew Stein was compelled to write a letter to *Vanity Fair* saying Clurman had done Ross wrong. Stein defended Ross as "a unique human being, a great New Yorker, and a visionary business leader," and thanked him for continuing to employ 7,000 people in the city where Stein hopes soon to be mayor. That *Time* had, just weeks before, laid off hundreds of employees and that Time Warner has a monopoly on cable television services in New York City were clearly less important to Stein than the fact that Ross had recently co-chaired a $5,000-a-plate Stein fundraiser that helped him circumvent public campaign financing laws.

James Ledbetter is a media critic for The Village Voice.

To the End of Time: The Seduction and Conquest of a Media Empire. Richard Clurman. *Simon and Schuster, $23.*

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Add to this a story in March's *Esquire* by former *Time* writer Robert Sam Anson about the newsweekly's ongoing identity crisis. Even before *Esquire* had hit the stands, Clurman accused Anson, whom he'd hired at *Time* in the sixties, of stealing from his sallies. This baseless charge came to the attention of noted literary critic Liz Smith, who trumpeted it in her syndicated gossip column without bothering to ask Anson his opinion.

What's most remarkable about all this mud-slinging in glamorous venues is that Clurman's book is spectacularly dull. Had I not had to read it for professional reasons, I would never have made it past the first chapter. Most of the book recounts the on-again, off-again negotiations between the Time board and Warner's Ross. The biggest question isn't who won, but who cares? Surely the world has reached a saturation point beyond which there is no justification for another book about greed-fueled corporate mergers and the investment bank legerdemain that made them possible. The financial tedium is by no means enlivened by Clurman's plodding prose and stunning lack of analysis.

Luce slips

The only reason anyone would care enough to talk about this book is that the company in question is the vaunted Time Inc., a media empire once known for its rigorous separation of editorial and business operations and its commitment to journalistic excellence. Clurman, a two-decade *Time* reporter himself, sprinkles the company history throughout the book, barely able to hold back his tears when describing its founding fathers. In typically fetishistic fashion, he opens and closes with descriptions of oil paintings of Henry Luce, Andrew Heiskell, and Hedley Donovan.

The premise of *To the End of Time* is that this publishing palace has been irreparably sullied by contemporary business practices and the merger with tacky Warner Communications. Beset with inherent conflicts of interest (what happens when *Entertainment Weekly* reviews a Warner Brothers movie?), declining readership, and a multibillion-dollar merger debt, the empire, says Clurman, is now almost certain to drift away from its founding mission.

The problem is that Clurman's nostalgic history isn't just simplistic, it's bunk. While *Time* may have structurally kept the influence of advertising away from its copy, the editorial content of the newsweekly during what it celebrated as the American Century was often abysmal by the standards of independent journalism. The Luces were rabid anti-Communists who routinely smeared labor and other segments of the American left, making Joe McCarthy's mission much easier. The magazine regularly propagandized for the CIA's illegal and ill-conceived foreign escapades and provided wildly distorted accounts of State Department-sensitive areas from Korea to Nicaragua. Culturally, it trashed the likes of Norman Mailer, Gore Vidal, and anyone else perceived as a threat to domestic stability.

It goes without saying that the upper echelons of *Time*, like most of corporate America, were and are places where women and minorities have no place. I am told reliably that during a recent pre-launch meeting about *Volume*, Time Warner's upcoming magazine on hip-hop and black culture, corporate editor Gil Rogin had his shoes shined by a black company shoeshiner as he discussed how to cover the black music scene. Although Clurman's book is filled with such corporate obscenities, he doesn't seem any more troubled by them than his subjects do. In a representative passage, amidst a description of a lush Bahamian corporate retreat meant to acquaint officers of the two companies, Clurman quotes *Time* managing editor Henry Muller without raising an eyebrow: "We don't like anybody outside the family who isn't one of us."

The book does provide some wonderful dish on Ross' infamous greed and how he bamboozled and persuaded *Time* honchos to do the deal, largely by guaranteeing that they'd all become filthy rich, regardless of the company's performance. Frankly, though, Clurman has dug up little that is genuinely new: The most salacious Ross details appeared in Connie Bruck's *New Yorker* account of the merger. And the perpetual screwing of Time Warner stockholders has been amply documented in *The Wall Street Journal*, where it was certainly read by anyone who cares.

Ironically, it's precisely Clurman's intense focus on the financial aspects of the merger that makes his book so short-sighted. Clurman clearly spent a great deal of time educating himself about the intricacies of takeovers and stock plans, and is a little angry that capitalism has come to this kind of chicanery. But he's thoroughly incapable of recognizing that, far from violating his precious "Time Inc. culture," the merger was its logical conclusion. *Time*'s Cold War addictions and conservative agenda made its "culture" the desired blueprint for multinational corporate capitalism—a kind of journalistic imperialism. The company both financially and ideologically supported the very forces that led to its eventual merger with a global media giant. If Clurman weren't so wedded to *Time*'s catechisms, he might've used his material to make that point. But it's hard to see how the proper recent history of *Time* can be written by one of the faithful. □

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Rebel Sell

How the Palestinians won the hearts of the American media

by John P. Wallach

Five years from now, when the 1.7 million Palestinians of the West Bank and Gaza have declared themselves independent and established their own mini-state along the Jordanian and Israeli borders, they will owe a debt of gratitude to the American media, particularly network television, for having "discovered" the intifada and promoted the spontaneous Palestinian uprising to the status of a major international crisis. In the process, Palestinians, who after 1948 had lived more or less quiescently under Jordanian occupation and since 1967 under Israeli occupation, traveled a road of self-discovery that gave them increasing pride in their sacrifices and, more important, a genuine sense of self-awareness or "peoplehood," as they were no longer caught in the vise between the Israelis and abject subservience to the PLO. Risking their lives, they formulated their own demands, created their own incipient political leadership, and even imposed a brutal system of justice on those who dared to flout their orders. In the five years from 1987 to 1992, the Palestinians of the West Bank and Gaza became something that most of the world had denied them throughout the 44 years of Israel's existence: a nation.

Jim Lederman's superb study* at first appears to be yet another book bashing the press for having been unfair to Israel and for giving disproportionate coverage to a story that in any other country would have warranted at most a minute or two each week on the evening news. Indeed, in a press blurb from *New Republic* editor-in-chief Martin Peretz, the Harvard don lavishes unusual praise on this "seasoned and savvy newsman" (Lederman was the correspondent for National Public Radio in Israel for 14 years) for showing "how the American media misreports the Arab-Israeli conflict" and has "turned a complex historical problem into a simple morality play."

To Lederman's credit, he does much more. By depicting the Palestinian uprising as a struggle for national identity and independence that was waged as much against the external diktats of the PLO as the internal harshness of Israeli rule, he validates the story as one that deserved the attention it received. As he points out late in the book, the test that should be applied to media coverage of the intifada is one of "balance," not "fairness," because fairness is an emotional yardstick that will always be skewed in the eyes of each beholder. Lederman faults the television media for frequently being unbalanced in its coverage, but he is too sophisticated a newsman to blame the messenger for the message, however unpleasant it may be. Early in *Battle Lines*, he dispenses with one of the most widely held shibboleths, telling us: "Contrary to the complaints of many Israeli apologists that many or most foreign press corps members are inherently anti-semitic or anti-Israeli, a good number of the attitudes prevalent within the foreign press corps were shaped by the Israelis themselves." And later in the book, he points out that "whatever [journalists'] personal political beliefs, their loyalty at the tape machine or the film editing table was not to one side or another in a political dispute. It was to the story and to the drama contained within it."

Rocks and roles

It is that drama Lederman studied, viewing more than 800 nightly newscasts from December 8, 1987, to June 1988, watching some of them more than 40 times. (He limited his coverage of electronic media to the three major networks, omitting CNN because, unfortunately, he could not get ready access to its archives.) He also examined more than 2,000 dispatches from the Associated Press, *The New York Times*, *The Washington Post*, and the *Los Angeles Times*.

This book is unique in that while Lederman helps us understand why the media was so attracted to the plight of the Palestinians, he seldom accuses the media of playing fast and loose with the facts. The Palestinians, he contends, "blundered" into a great media victory and the Israelis into a great media defeat. The Israelis, however, could have reacted differ-

John P. Wallach is foreign editor of the Hearst Newspapers and the author of Arafat: In the Eye of the Beholder.

**Battle Lines: The American Media and the Intifada.* Jim Lederman. *Holt, $29.95.*

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ently. They had choices that the Palestinians did not have. They could have developed a strategy for dealing with the media but instead "reacted like wounded animals, lashing out at the press indiscriminately," which, Lederman points out, may have helped assuage critics at home "but did little to counter perceptions elsewhere in the world of intransigent and incompetent Israeli behavior."

The intifada, Lederman notes, played to the proclivities of the television agenda—violence on an almost daily basis and a heartwarming David-and-Goliath scenario (in which, for a change, Israel was the giant): "It was combat reporting in a new form—rocks against guns, visual symbols like flags and graffiti pitted against the traditional signs of military power, like helmets and jeeps. And it had participants wearing clearly defined uniforms that enabled viewers to distinguish one side from the other very easily." Lederman also admits that "by any definition, the intifada was a crisis. It came unexpectedly. It had a major impact on many people and on public perceptions [and] it swept away much of the conventional political and journalistic wisdom of the time."

Lederman cites the Israeli failure to craft a coherent policy toward the foreign press regarding the unprecedented popular uprising as the major cause of Israel's public relations defeat. In an age when, Lederman writes, "cheap, user-friendly imaging technologies and high-speed communications have changed the nature of journalism," Israeli censors were still acting as if they could control press coverage merely by closing off access to the Palestinians or expelling foreign correspondents who disobeyed their ground rules. Lederman recalls the days when he first arrived in Israel and the Israeli censors routinely cut off his phone lines; when film had to be hand-carried out of the country, meaning at least a day or more would elapse before it could be broadcast; and when the newsmagazines had to fly in a special courier from abroad to pick up their correspondents' uncensored copy. Those, of course, were the days before the fax machine or the portable satellite dish.

Israel did not comprehend the "real-time revolution" that had occurred when videotape replaced film and the portable video camera could be inexpensively obtained or distributed to Palestinians. "The foreign press could not and would not play the role the Israelis wanted to assign it: that of a single mouthpiece," he writes. The information revolution meant that the Palestinians could see the front page of a newspaper on the same day it was published more than 10,000 miles away. Lederman writes that "it is impossible to underestimate the effect this feedback mechanism had on local Palestinians. They translated the enormous publicity they were receiving into a perception that they were winning their struggle for the first time."

Biased in Gaza

Despite his conscientious effort to remain even-handed, Lederman does target a few television correspondents and anchormen, notably CBS's Bob Simon and ABC's Peter Jennings, for being "prone to editorializing and putting spin" on their introductions. On March 1, 1988, for example, Jennings told viewers that "the Israelis broke into a hospital, fired tear gas, and dragged out two boys and beat them," without ever mentioning what the Associated Press reported on the same day: that Palestinian youngsters had been using hospitals for six weeks as hideouts and staging grounds for rock and firebomb attacks. And Lederman faults Simon for not being present when, on February 25, 1988, a CBS camera crew took "its famous pictures of Israeli soldiers beating Palestinians with rocks near Nablus," and yet going on the air with a detailed, first-person account of the beating.

Simon is quoted as saying in his voice-over: "This seemed cold, deliberate, methodical. It went on for 40 minutes. . . . Hospitals in the West Bank and Gaza are full of young Arabs with broken arms. This is how it's done—multiple fractures with a rock. The boys did not scream. They did not beg." Lederman notes that nowhere in his piece did Simon mention that the Israeli soldiers had been subjected to several hours of taunts and rock-throwing and that "the Palestinians in this case did not have their arms broken; the next night, they were seen walking without casts or slings."

In analyzing why such veteran newsmen as Simon and Jennings took it upon themselves to become actors in this international drama, Lederman makes his most important contribution. He describes an "information loop" that made natural allies of the media and the Palestinians, with rock-throwing incidents virtually staged for the cameramen. "By early February, journalists had learned to anticipate that there would be riots following Friday services in the mosques. They therefore positioned themselves, in advance, at the mosques. . . . On the days in between, journalists' activities were guided to a remarkable degree by the leaflets that the underground leadership had begun to issue. Those leaflets, aimed primarily at the local Palestinian population, set out the days on which general strikes or particular protest demonstrations were to take place." And in making themselves readily available for on-the-record interviews, the Palestinians were offering the media both instant accessibility and an uncensored story that was violent

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and moving (often at the same time). Meanwhile, Israeli officials refused to be quoted and instituted an access system that demoted the foreign press to the rank of second-class journalists, making the Palestinian leaders seem even more attractive.

By the early spring of 1988, less than four months after the intifada had begun, it was clear that the alliance had created, from the viewpoint of both the Palestinians and the media, the desired loop. It was fueling the uprising itself, igniting more violence and thus forcing more and more journalists to cover the story; it was making American Jews more skeptical about Israeli government policy; it was uniting Arab Americans behind a common issue and forcing Israeli leaders "to hunker down in defense." But most important, it was creating a new dynamic in which it was impossible for the U.S. government to remain on the sidelines.

"By taking a leading role as a participant and not merely being a neutral mediator between the parties to the conflict and the American public, [television] had its own stakes and therefore could not, despite pretensions to the contrary, be a disinterested party in presenting all of the facts to the public in a sober manner," Lederman writes. The Palestinians had discovered that in the United States, the media serves as a separate, quasi-branch of government with rights and privileges enshrined in the Bill of Rights but without the responsibility (other than ratings and advertising revenue) to answer to its critics. Lederman adroitly points out that before the intifada was four weeks old, television was not only covering the news; it was helping to set the national and international agenda. "When the secretary of state said today that violence has never brought peace to the Middle East," Jennings reported in his introduction to an eight-minute segment on January 7, 1988, "he was repeating what hundreds of politicians and statesmen have said before him for as long as anyone can remember. Today, the Israelis have shot and killed another Palestinian. The Israeli prime minister is thumbing his nose at the United Nations. The Israeli government and the Reagan administration are getting on each other's nerves." How could anyone, in the wake of such a broadcast to millions of Americans, remain disinterested? The battle lines were drawn—not merely between Israel and the Palestinians but between Israel and the United States. And the media was drawing those lines.

Media diPLOmacy

In his well-researched book, the author seems to be experiencing an internal struggle between his allegiance to his profession as a journalist and his sympathies for Israel as the victim of often biased coverage. In perhaps the most telling observation of the book, Lederman hints that the intifada itself might have been avoided if Israel had been more responsive to genuine Palestinian efforts to create an indigenous leadership in the West Bank and Gaza both before and immediately after the signing of the 1978 Camp David accords. It was Israel's obsession with destroying the PLO that blinded the Jewish state to efforts that might have succeeded in supplanting it. "The Israelis, preoccupied with their single-minded policy of control in the occupied territories, failed to recognize the true nature of these political developments," writes Lederman. He cites Israel's firing of mayors and other municipal officials who had been elected on pro-PLO slates in the only free elections ever held in the territories. He points to the government's policy of encouraging mosques to be built in Gaza so that the fundamentalist Moslem Brotherhood could be strengthened as a bulwark against the PLO (a policy that resulted in the creation of a far more radical Islamic group, HAMAS, formed immediately after the intifada began). He also cites the Israeli effort to destroy the National Guidance Council. "Any hopes that West Bankers may have had about being on the verge of achieving some sort of representational government were buried. . . . Stonings were almost the only means left to the Palestinians for political self-expression, and what they expressed was continually building rage and frustration. They were both the final warning signals and the final rehearsal for the intifada."

Battle Lines does not quite close its own loop by concluding that Israel's hardline Likud government not only lacked a policy for dealing with what it saw as the foreign media's threat to its security, but also was bankrupt when it came to policies for dealing with the causes of the intifada itself. In an epilogue, Lederman compares the almost ideal conditions under which American reporters worked in Israel with the restraints and censorship they readily accepted in covering the Gulf war. In the latter, he writes, "both sides recognized that this was as much a media war as a war on the battlefield." *Battle Lines* succeeds when it examines the Israeli failure to come up with a strategy for fighting the media war, and in detailing the American media's penchant for covering itself in glory when it sees an opportunity to fight for the underdog and simultaneously set the national agenda. It falls short by failing to recognize that the Palestinian uprising, like the earlier underground Zionist struggle against British rule, is a legitimate popular revolution and therefore warrants the coverage, even if biased, that it received. Exhaustive and cogently written, Lederman's study should be read by anyone who is concerned with Israel's survival in the information age. □

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POLITICAL BOOKNOTES

Inside Campaign Finance: Myths and Realities. Frank J. Sorauf. *Yale, $27.50*. Sorauf's latest book shows once again how little social science can teach us about how to revive our paralyzed, money-driven political system. Like an anthropologist collecting recipes from a tribe of cannibals, Sorauf studies and describes but doesn't condemn. The title itself is a bit of false advertising. Sorauf writes not from inside Washington's money machine but from his academic outpost at the University of Minnesota.

Despite all that has happened—the Charles Keating affair, the disgrace of Jim Wright, the return of the $100,000 fat-cat contributor to presidential campaigns, the collapse of electoral competition in the House—Sorauf's views remain pretty much what they were in 1988 when he published his very thorough textbook, *Money in American Elections*. Like most academics, he remains less than convinced that campaign money influences public policy to any alarming degree and is skeptical of all reform efforts, which he sees as either wrong-headed or doomed to disappointment.

This is not to say that political science is entirely irrelevant on this subject. It teaches a useful lesson about the effect of spending on elections, a lesson that the news media and would-be reformers would do well to absorb. The fact is that the more an incumbent spends, the *less* likely he or she is to win. Incumbents spend more when they are in trouble, but the spending does little to change voters' minds. Challengers, on the other hand, always lose when they spend too little to publicize their name and campaign message. The political scientists' numbers teach us that the spending-limit proposals favored by Common Cause and congressional Democrats are based on a false premise. There is not "too much" being spent on elections; there is too little being raised and spent by challengers. Spending limits could hurt. Sorauf says, "The harm to challengers will increase the lower the spending limits are set."

But while political scientists are successful in linking spending and election results, they fail when they attempt to measure the effect of money on the hearts and minds of lawmakers. The latter is more properly the realm of the psychologist or, in extreme cases, the criminologist. A few years ago Sorauf said, "There simply are no data . . . that would support the popular assertions about the 'buying' of the Congress." Although his view hasn't changed much, he does grudgingly concede that academic research on political action committees is turning up "a consensus about PAC influence." It shows that influence "tends to be strongest on the narrower, less visible issues before Congress." This should be of no comfort: S&L regulation used to be one of those "less visible" issues. Nevertheless, Sorauf clings to the view that PACs are legitimate heirs to moribund political parties. He says that banning PACs, as proposed by President Bush, would be "probably the worst reform idea" since those enacted immediately after Watergate and "bad public policy."

In fact, Sorauf sees donations to PACs as evidence of a healthy political system. He seems genuinely puzzled as to why these donors don't fight against the movement to ban PACs. "Outlawing their political activity has not spurred the millions of PAC contributors to even so much as a whimper of protest or self-defense," he writes.

Sorauf has little patience for journalists—especially those in television—who persist in seeing cause-and-effect relationships between money and votes where political scientists see only correlations. He says the press suffers from a "neo-Progressive worldview," fundamentally distrustful of money, and that reporters are constantly writing "a morality play, with one simple plot." He scolds reporters and reformers for "tendentious rhetoric" about money and for "a disposition to attribute much, even too much, that happens in American politics to it." Sorauf has a point, but goes too far in chastising the press for failing to applaud the leveling off of spending in House and Senate elections since 1986. He implies that this "stability" of the system shows that everything is all right. It doesn't. A capsized catamaran is stable, but upside down nonetheless.

Sorauf says he isn't arguing against all reform, but it sometimes seems that he is. He sees a "grave risk" in the soft-money loophole that allowed $100,000 donations to pour into the 1988 presidential campaigns, but he would still allow party organizations to raise and spend such soft money so long as candidates didn't solicit it. Soft money is regulated only by varied and often permissive state laws, and Sorauf isn't about to tamper with states' rights: "The loophole is the

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result, at least in part, of American federalism."

Similarly, Sorauf concedes that the dominance of special-interest money is at least *seen* as a problem by the public. To counterbalance this, he favors raising limits on the amounts parties may spend on behalf of their candidates. There's some merit to this idea; it would tie candidates more tightly to their parties and correspondingly reduce their reliance on PACs and other special-interest donors. Republicans have more party money and so already favor higher party limits. To get Democrats to go along, Sorauf would let PACs and wealthy individuals give more to parties. But making the parties themselves even more beholden to special-interest money and rich donors is the very reverse of reform.

Ultimately, Sorauf gives up. He says the search to find disinterested money for politics is "not unlike the stork theory of human reproduction." Well, not quite. We know where the cleanest money in politics comes from: the U.S. Treasury. Political scientists are in on the secret, too. "In their heart of hearts many scholars of campaign finance would choose . . . public grants or subsidies *without* spending limits, the option they call 'floors without ceilings,' " says Sorauf. Such pure public funding would help challengers most, which probably accounts for why so few incumbents favor it. But rather than making the case for such reform, Sorauf dismisses public funding as politically unattainable. "We really seem to prefer private to public funding, but we reject the consequences of private funding. We want the consequences of public funding without the public funding itself. It is a conundrum, and a conundrum with no solution." Again, not quite. A solution could be brought closer to hand if political scientists would concede the limitations of their craft.

—*Brooks Jackson*

England's Dreaming: Anarchy, the Sex Pistols, Punk Rock, and Beyond. Jon Savage. *St. Martin's, 27.95*. Since punk rock's demise—arguably on January 14, 1978, when the Sex Pistols' lead singer, Johnny Rotten, walked off stage for the last time in San Francisco muttering, "Ever get the feeling you've been cheated?"—punk has been analyzed by countless sociologically inclined pop critics. Greil Marcus' *Lipstick Traces* took an ambitious, if occasionally preposterous, stab at linking punk to every disruptive impulse since the sacking of Carthage; Simon Frith and Howard Horne's *Art Into Pop* picked apart the naive myth that punk was an "eruption from the gutters of inner-city recession" and showed instead that it was instigated mainly by middle-class art school students. A colleague of mine at *The Economist*, Michael Elliott, went so far as to suggest that by unleashing a teeming generation of artists and street-bred entrepreneurs, punk did more to resurrect the British economy in the eighties than did Margaret Thatcher. Not only that: It had a better beat.

Like the movement itself, the best writing about punk has been intellectually audacious. Sadly, Savage's book isn't. I say sadly because in its best moments, *England's Dreaming* hints briefly, frustratingly, at answers to the hard questions about punk and the social/political circumstances that gave the movement its force—circumstances that, in some ways, called punk into being. Sadly because it is clear Savage has at least some sense that these issues are the ones his colleagues have yet to sort out. And sadly because *England's Dreaming* is so obviously a labor of love, a devoted fan's failed attempt to make sense of the passion that has fueled his life's work.

Savage says, for instance, that "the Sex Pistols can be seen as a last gasp of youth culture as a single, unifying force—that sixties ideal which all those concerned with the group both hated and loved." An intriguing claim. But he leaves it at that, never identifying which forces, whether corporate (global media conglomerates) or consumer (fragmented teenage audiences), came into play after punk to destroy this unity. To back the idea, Savage would also need to explain Madonna, Michael Jackson, and Bruce Springsteen—three superstars who arrived in the post-punk epoch and meant more to the world's youth than Johnny Rotten ever did.

Often, what bits of analysis there are in *England's Dreaming* consist of little more than a few declarative sentences lined up in a row. "All pop movements have started with elites—and none, to that date, more self-consciously than punk—but there is always a point where the elite loses control. That point is reached when the mass market and mass media take over, a necessary process if a movement is to become pop. . . . Punk was a living exemplar of the subcultural process: The dispossessed gain cultural access, but at a price. Pop music is the site of this sale and the record companies are the auctioneers." These are assertions, not arguments—and predictable, incoherent assertions at that. Was Chuck Berry an "elite"? Elvis Presley? Do elites drive the "subcultural process," or do "the dispossessed"? Whichever it is, it can't be both.

It's a rich subject, and Savage tends to get carried away, but at least he gives it a shot. Unlike some pop critics, he knows that punk's history only makes sense as part of a bigger story—the story of Britain, especially London, in the mid-seventies. And a grim story it is: unemployment at record postwar levels, double-digit inflation, a toppling currency, and plummeting living standards. The dominant symbols of the time were shabby grey council estates—tenements—and ever-lengthening dole queues. The Callaghan government seemed unable to govern. Strikes, race riots, rising street crime—a whiff of apocalypse was in the air. A 1975 editorial on the state of the nation in England's most popular tabloid, *The Sun*, opened with the words, "Already the vultures are darkening the skies." Britain in the mid-seventies was, in Christopher Hitchens' phrase, "like Weimar without the nightclubs."

Savage summons up these ghosts, describing a milieu in which punk's appeal to the young—frustrated, angry, or simply bored—was natural. The music may have been made by the middle-class art students, but its nihilistic (or negationist, if you like) energy and revolutionary intimations were resonant nonetheless. As rock critic Lester Bangs wrote, punk rockers were "authentic because their music carrie[d] such brutal conviction, not because they [were] Noble Savages."

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Of course, punk music may have been just another commodity. The managing director of the Clash's record label at the time said, "I wasn't interested in looking at the Clash as a social phenomenon; we were just making records." But it was a commodity that managed to threaten a large group of people who, as a matter of course, write off pop as frivolous, irrelevant, and inconsequential.

It's easy to forget just how unnerving punk was to that group—the British establishment—which was trying desperately to hold together a society on the verge of disintegration. But recall: In May 1977, in the midst of the rather desperate national celebration of Elizabeth II's Silver Jubilee as Queen of England, the Sex Pistols released a single called "God Save the Queen." In it were the lyrics:

God save the Queen
The fascist regime.
It made you a moron
A potential H-Bomb.
God save the Queen
She's not a human being.
There is no future
In England's dream.

Within days, the tabloid press had headlines reading "Punish the Punks." People obliged. The Pistols were attacked by the police and by citizens with razor blades. The song was banned from radio by the government. A member of the Labour Party (the left wing, remember) said, "If pop music is going to be used to destroy our established institutions, then it ought to be destroyed first."

Looking back, all this seems hysterical. Punk was never going to destroy anyone's established institutions. Like every great pop movement before or since, punk would have its zenith and then fade, leaving society's foundations intact. This is a basic point that Savage never quite comes to grips with. Instead, he wrings his hands over the potential implications of punk's politics, which were always more than a little opaque. As he points out, the Sex Pistols and other bands were often accused of harboring neo-Nazi sympathies. That many punkers displayed swastikas prominently on their clothing did nothing to dispel this notion. And if such insinuations were ambiguous—the swastika more a shock-tactic symbol of defiance than a coherent political statement—Savage, a good liberal, still frets over a latent right-wing, even Thatcherite, subtext in punk's libertarian, do-it-yourself rhetoric. (Few punks, and certainly not the Sex Pistols, would have denied being capitalists.) "As it became clear that the country had to make a choice," he worries, "which side would the punks be on?"

There is rich irony here. Savage's reading of punk's politics is as literal as that of the people he scorns—the smug, insular British establishment that saw a bunch of black-leather-clad kids with spiked hair and safety-pin earrings and thought them a genuine menace. But it's precisely pop's political ambivalence that makes it interesting. When rock musicians become responsible, worthy spokesmen for right-on causes, churning out PC lyrics and performing in endless charity benefits, they become impossibly boring—just look at Sting. Punk seemed dangerous to some in Britain in 1977 for much the same reason rap seems dangerous to some in America today: Its "program" was radical, sometimes troubling, but more than that, it spoke in tongues that parents just didn't understand. This is nothing new to pop—think of Elvis. But the fact that pop music can continue periodically to make so many so nervous says more about us than than it does about the music.

—John Heilemann

Accidental Empires: How the Boys of Silicon Valley Make Their Millions, Battle Foreign Competition, and Still Can't Get a Date. Robert X. Cringely. *Addison-Wesley, $19.95.* Who is Robert X. Cringely and what's his gripe with William H. Gates, the cofounder of Microsoft Corporation?

That's a reasonable question to ask of the author of a book with a title like this. Purportedly written in the style of *Barbarians at the Gate*, it claims to offer an insider's account of the personal computer industry, but it's not even in the ballpark. I finished the book with a sense that Cringely hadn't found an insider's view of anything.

The author seems jealous of Gates, whose paper wealth at Microsoft, the world's largest software company, is heftier than the gross national product of many countries. But despite a number of low blows, and contrary to its title, the book never suggests there is anything accidental about Gates' accomplishments since he set out to start a software company while a student at Harvard in 1975. The man who is undoubtedly the most influential person in computing today holds that position for a reason.

Cringely, whose real name is Mark Stephens, a reporter and gossip columnist at *Infoworld*, a computer industry trade magazine, should know that. He's been around for a while, in various incarnations.

The name Cringely predates Stephens' arrival at *Infoworld*. It has its computer journalism roots back in the early eighties when Stewart Alsop, an editor at another trade newspaper, *Computer Business News* (and the son of the Washington columnist), was looking for a name to use to deflect public relations firms hawking "news releases." When one would call to pitch an unwanted story, the standard response would be, "Oh, that's Cringely's beat." Of course, Cringely could never be found. When Alsop migrated to *Infoworld* in 1983, Cringely came along.

Although Alsop left *Infoworld* in 1984, Cringely stayed and became the alter-ego of Stephens, who brought his own brand of gossip mongering along. He eagerly admits that one of his telephone lines at *Infoworld* is dedicated to receiving bits of gossip from disgruntled engineers and others in the know. His phone rings constantly, he boasts to the reader, and his access to the dirt in the personal computer industry is unmatched. With that promise, one might look forward to 336 pages of uninterrupted juice.

But little of what he writes is fresh. Many of his stories have already been told—and told better—in earlier accounts of the personal computer industry. These include *Fire in the Valley*, the first history of the industry, written by two former *Infoworld* reporters, Paul Freiberger and Mike Swaine, and *The Big Score*, a well-reported tale of Silicon Valley by former *San Jose Mercury-News* reporter Michael Malone. And in *West of Eden*, Frank Rose wove a compelling tale of Apple Computer's growing pains in the mid-eighties.

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Even more disturbing, some of the anecdotes Stephens presents as fact are modified and occasionally downright distorted. In one story, he tries to make fun of Gates by describing an incident in which the software wizard tries to "rap" with a group of young blacks on a street corner in Ann Arbor. This, he claims, represents Gates'—and thereby the personal computer industry's—adolescence and arrogance. But the *Infoworld* reporter who was accompanying Gates at that time has told her friends that the incident was a minor one and Stephens has blown it far out of proportion.

When he isn't taking gratuitous swipes at Gates, Stephens takes aim at others who figured prominently in the creation of the personal computer industry. He refers to Apple whiz-kid Steven Jobs as a sociopath and describes Lotus development founder Mitchell Kapor as guilt-ridden by his success.

Stephens does a reasonable job, however, of explaining personal computer technology, describing its origins, and placing it in context. Near the end of the book, he offers an intriguing analysis of IBM, describing in detail how Big Blue, the world's largest computer maker, has sown fear, uncertainty, and doubt among its competitors and customers in order to control the computer industry. But he then goes off on an odd and unsupportable tangent, arguing that IBM will self-destruct on December 31, 1999. That is the date when much of the world's COBOL software, the de facto standard for large corporate accounting and finance programs, is supposed to stop working because the date function wasn't designed to operate past the end of the century.

It's an interesting thought, but highly dubious. While some early versions of the software contain the date function, it's far from universal. And for those that have it, it's a problem that can be patched with proper programming.

In the end, *Accidental Empires* is a grumpy, mean-spirited book. Even the last clause in the subtitle is nasty—and wrong. Gates, portrayed here as nerd supreme, reportedly has no trouble getting dates.

Given the book's many problems, one can't help but be intrigued by Stephens' dedication: "For Pammy, who knows we need the money." Pammy is Cringely's fictional girlfriend, and readers of the Cringely column get a generous dose of the ups and downs of their relationship sprinkled amid the industry gossip. Is Cringely giving away why he wrote this book? Essentially, yes. It's not that he shares the passion for technology and innovation that inspired so many of those he writes about. Rather, in his own words, he hopes this book will "help fund my retirement."

That alone is enough to make a reader wary of contributing $19.95 to the effort. About 50 pages into *Accidental Empires*, Stephens implores his readers to "finish this book." But we can't help but wonder why we bothered to pick it up in the first place.

—John Markoff

The De-Valuing of America: The Fight for Our Culture and Our Children. William J. Bennett. *Summit, $20.* A decade ago, Bill Bennett swept into Washington and swirled up a tornado of controversy. As Ronald Reagan's chairman of the National Endowment for the Humanities, then during his stint as secretary of education, and finally as drug "czar" in the Bush administration, Bennett never hesitated to speak his mind. And one way or another, he got a lot of other people talking.

Well, Bennett hasn't changed much since leaving the public sector. In his account of a decade of public service for Reagan and Bush, he defends his rocky career as a conservative standard-bearer in the nation's domestic policy debates.

He compiles here his oft-stated agenda. His prescription for the nation's failing public schools is essentially threefold: teaching a more "moral" curriculum, imposing greater school accountability, and implementing full public-private school parental choice. In higher education, he lambastes the academic elite as narrow-minded, misguided, self-serving, and unable to accept criticism. And concerning the drug war, he restates his

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belief in maintaining an expanded use of military intelligence, a tough attitude that leaves little room for examining the roots of drug use.

In pushing his agenda and calling for a renewed dialogue, Bennett claims to have an unflinching dedication to our children's future. And perhaps he does. Yet it often seems that his idea of a dialogue is standing before those who have differing views and bludgeoning them until they capitulate.

It is a shame that Bennett takes this approach, because despite his bullying attempts to discredit Democrats, liberals, and "intellectuals" as the rulers of a domestic Evil Empire, many of the views he lays out in this book are worthwhile. When considering education, for example, Bennett is on target when he emphasizes the need for greater commitment on the part of parents, teachers, and administrators to make schools work. He skillfully argues against decriminalization of drugs and makes the case for a strong criminal justice system as a force for change. He captures the outrage that most Americans feel toward drug pushers who are strangling an entire generation of urban poor.

Inevitably, though, Bennett takes his claims too far. He proudly asserts that as secretary of education, he "never fought for raising the federal education budget." This is particularly shameful to admit when there are thousands of schools that can't afford to supply each child with a textbook, or even a desk and chair. More puzzling is Bennett's contention that "good schools for poor kids in the inner city have the same general features as good schools for rich kids in the suburbs." Here, he implies that such things as a "clear and focused academic mission, instructional leadership, [and] high expectations" alone are enough to create effective schools —regardless of whether the school is in affluent Montgomery County or impoverished Bedford Stuyvesant. To be sure, such intangibles are extremely important, but so is adequate funding. Eliminate from the rich suburban schools the wide range of courses, science labs, classroom supplies, athletic facilities, and low student-to-teacher ratios that come with significantly higher per-pupil spending, and even the most inspired teaching won't keep the quality of education from deteriorating. Perhaps it is just that Bennett's definition of a "good school" is based on a double standard—one that is less materially demanding for inner city kids than it is for rich suburbanites.

If nothing else, Bennett's book serves as a stark reminder of the battle lines that have been drawn between liberal Democrats and conservative Republicans. Democrats—who for decades have styled themselves as the party of social change and domestic progress—have found themselves largely out of step with many poor and middle-class whites—people who have become frustrated by a stagnant economy and expensive social programs that seem to yield few benefits for anyone. And then there are the poor and middle-class blacks—burdened with their own feelings of economic and social helplessness and fearful that the horrors of drugs and violence that have overtaken the black underclass will consume them. But the Democrats' failure to overcome tremendous social and economic hurdles does not, as Bennett implies, make them conspirators against society. At the same time, the conservatives' sudden recognition of the void between the liberals' aims and accomplishments doesn't make conservative policy the answer to underclass woes.

Both sides of the political spectrum agree on the broad themes: the importance of a nurturing family and role models for our children; the need for every child to have a real home and a real education—in a school building and a classroom environment that will not drive him into the streets; the need for adequate health care; and so on. Bennett is at his best when he articulates these concerns. But having put the issues on the table, he discredits himself by pointing fingers, which only hampers any progress toward finding a middle ground.

—*Gigi Georges*

Health in the Headlines: The Stories Behind the Stories. Stephen Klaidman. *Oxford, $24.95.* Maybe you've noticed revisionism running rampant through the environmental-hazards community of late. Take asbestos. Turns out society might prefer to leave it in our kids' schools—Bobby's risk of being harmed by it is miniscule, says the new dogma, but woe to the construction worker who

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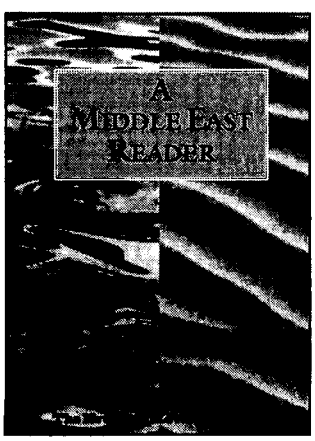

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pulls it out. Then there's "Deadly Dioxin," the Agent Orange stepchild that was once candidate for the Most Pernicious Carcinogen Award. Now, some researchers say, dioxin may be dangerous only after high levels of exposure.

For scientists, reappraising the evidence is as essential as the original research itself. It's often these second or third looks that truly zero in on an issue. But for the layman, reappraisal leads to confusion. Is cholesterol good this week, or bad?

Whose judgment should we accept when scientists disagree or change their views? How can we hedge our bets so that we avoid massive overreactions that cost us far more in the long run than putting up with the perceived dangers? And how can we protect our lives in the process? Is more data necessarily better? And how can we tell when the media is hyping a story? If these kinds of questions bother you, Klaidman offers some answers.

A journalist who spent 23 years with *The New York Times*, *The Washington Post*, and *The International Herald Tribune*, Klaidman earnestly recounts the histories of seven of society's most difficult environmental and public health dilemmas. This is not fireside reading. Chapter by 20-page chapter, Klaidman sketches chronologies of the public policy debates that have raged over AIDS, nuclear power, pesticides, the greenhouse effect, smoking, radon, and cholesterol. Examining how the authorities behaved as each worry surfaced, how the press reported each story, and how the public reacted, Klaidman issues his frustrating verdict:

> Reporters and editors must grapple with uncertain scientific results that resist interpretation, fundamental assumptions that are hidden and untested, undisclosed values that underlie important regulatory decisions, and the clandestine substitution of illegitimate economic or political goals for the public interest. As a result, even the most thoughtfully reported and composed stories . . . rarely, if ever, are able to provide the definitive answers the public is seeking.

In other words, when it comes to plumbing the legitimacy of this week's health crisis, your guess is as good as mine. But Klaidman isn't out to depress us. Hidden in the sea of health reports, he contends, are "generizable patterns" that can help the reader evaluate the significance of the reports. What was the size of the research study, and were the subjects animals or humans? What is the likelihood that a particular scientist or public official may be tilting news coverage in a direction not warranted by the data? And has a health or environmental risk been openly weighed against other risks?

Klaidman's moral is simple: "There is room for improvement in coverage of health risks, even by America's best news organizations. But there may be even more room for improvement in the way Americans interpret and understand news."

Preachy? Indubitably. But also warranted. The problem is that Klaidman's argument should have been taken further. Klaidman's measure of his own success would be the degree to which his reader becomes a more skeptical observer of scientific reports. But that's only a half step to full citizenry. True enlightenment consists of knowing what to do in the absence of good data—and doing it. An example: Last December you may have read in your favorite newspaper about a scientific study published in *The New England Journal of Medicine*, which reported that women who carry a particular rare gene may be predisposed to breast cancer. (Ataxiatelangiectasia is the gene's excruciating moniker, but it is popularly referred to as the AT gene.) Moreover, the researchers found evidence that those AT-carriers who had undergone routine diagnostic x-rays during their lives were substantially more likely to have suffered breast cancer than those who had not.

The first-day media coverage of this report, even in *The New York Times*, left the impression that if x-rays could endanger women with this rare gene, they might imperil other women as well. The study specifically warned women carrying the AT gene not to undergo mammography; thus one could easily make the connection that women with predisposition to breast or other forms of cancer whose triggering genes had yet to be identified would be better off avoiding all diagnostic x-rays.

But the reports were overblown. Follow-up stories explained that only a tiny percentage of the population carries the gene. Moreover, because doctors cannot yet test for the presence of the AT gene, women cannot even determine if they have reason to worry. Moreover, researchers warned that skipping mammograms and other diagnostic x-rays poses a greater peril than the possibility of triggering the AT gene.

Sure, Klaidman's Rules for Readers provide, on the surface, all the ammunition needed to retain a correctly skeptical posture on the AT study. But he falls short by leaving us bereft of advice where we most need it: How do we arrive at a conclusion—perhaps only a temporary one—in the midst of such confusion? Suppose, for example, that your family pediatrician recommends that your 9-year-old daughter get a routine chest x-ray because her lungs have been congested ever since pneumonia was diagnosed among friends at school. Regardless of your level of skepticism, are you still comfortable about having her take the routine x-ray?

In essence, this is just the difficulty facing the government in countless public health arenas. In establishing a national policy on global warming or AIDS or radon, it can be as skeptical as it likes about the data, but it still ought to be doing something, even if only hedging its bets. Data is always going to be imperfect, and conclusions subject to change. What we really need from Klaidman, or some equally politically uninflected author, is not more evidence that scientists routinely change their minds. Rather, we need a "how to" book to guide us through in the meantime: how to make hard choices on public health issues in the absence of good data and scientific consensus; how to go beyond skepticism; how to take action amid ignorance. We can call it *Health in Tomorrow's Headlines: How to Gamble on Your Future*.

—*Ellis Rubinstein*

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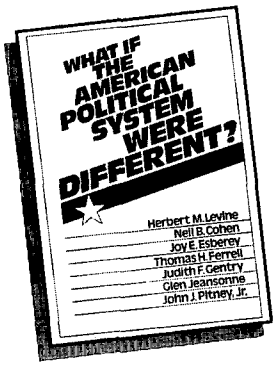

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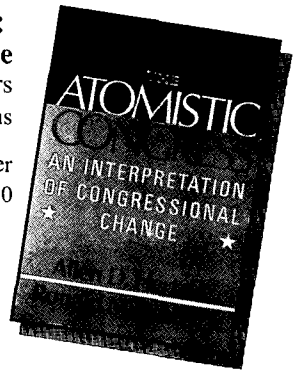

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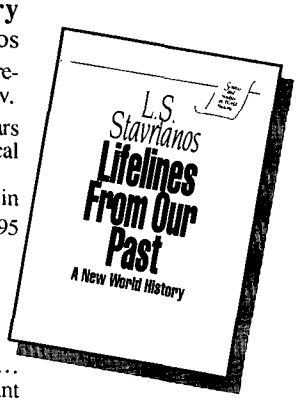

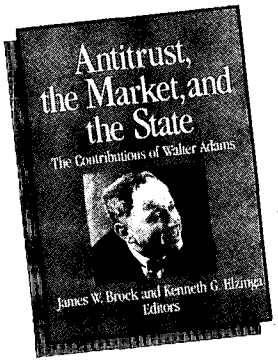

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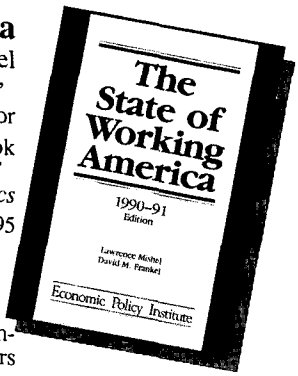

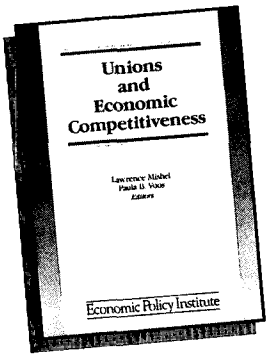

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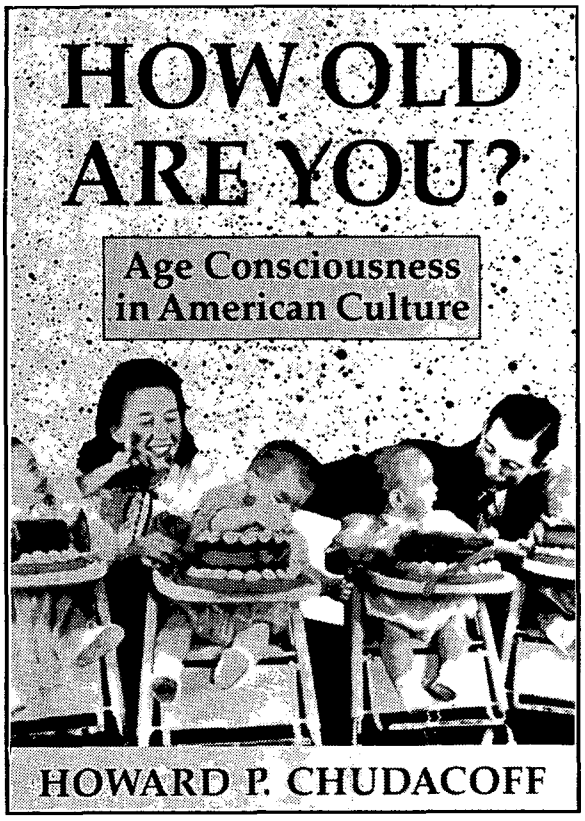

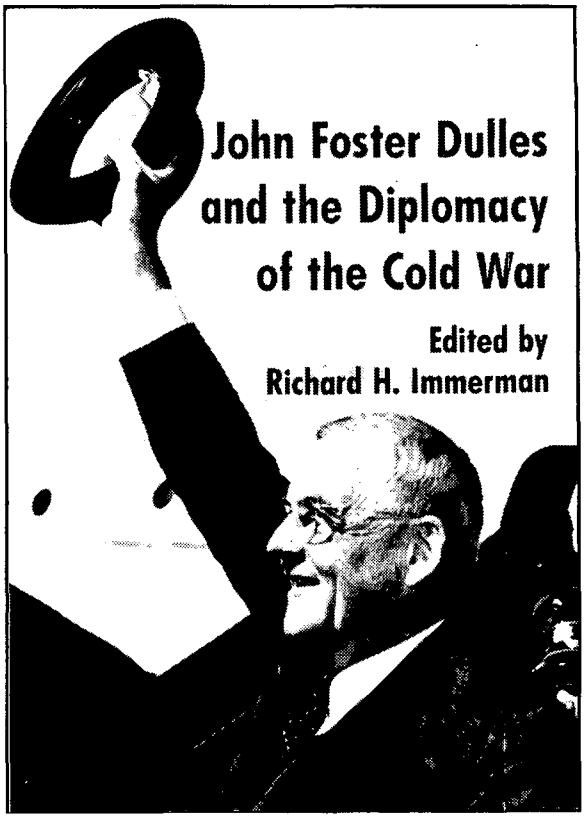

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